This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

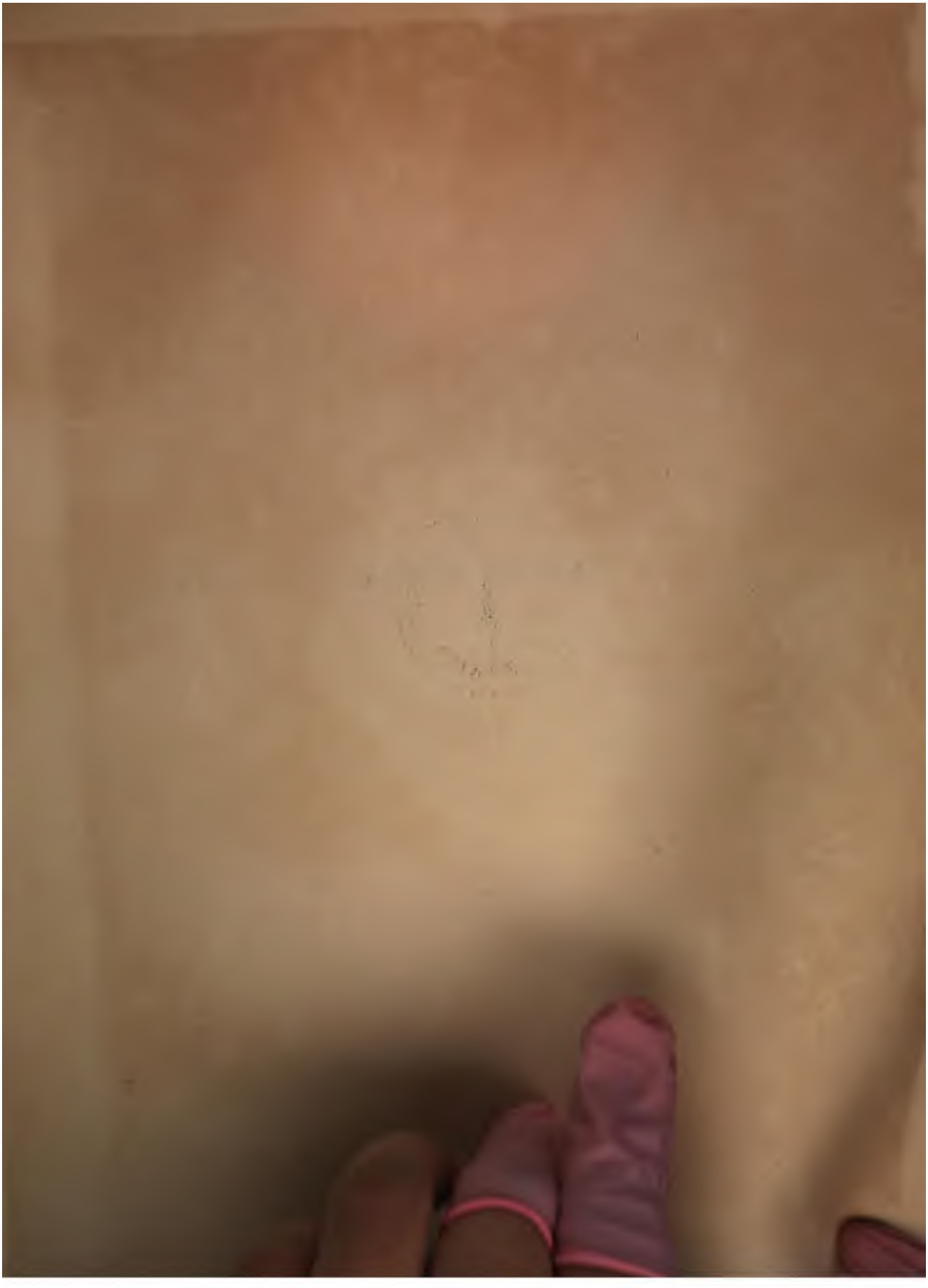
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

SPALDING
MEN
CLUB
MDCCC
LXXXVI

F15209



THE ALBEMARLE PAPERS

525 Copies Printed

No. 418

525 Copies Printed

No. 418

The Albemarle Papers

BEING THE CORRESPONDENCE OF

WILLIAM ANNE, SECOND EARL OF ALBEMARLE

COMMANDER-IN-CHIEF IN SCOTLAND, 1746-1747

WITH AN APPENDIX OF LETTERS

FROM ANDREW FLETCHER, LORD JUSTICE-CLERK

TO THE DUKE OF NEWCASTLE, 1746-1748

EDITED WITH INTRODUCTION AND NOTES

BY

CHARLES SANFORD TERRY, M.A.

LECTURER IN HISTORY IN THE

UNIVERSITY OF ABERDEEN

VOLUME II.

ABERDEEN

Printed for the New Spalding Club

MCMII

DA 8[illegible]
F57A3
v.2

INTRODUCTION.

The Earl of Albemarle.

WILLIAM ANNE KEPPEL, second Earl of Albemarle, whose military correspondence during the years 1746-47 forms the greater portion of the papers printed in these volumes, was the son of Arnold Joost van Keppel, first Earl of Albemarle, and his wife Geertruid Johanna Quirina van der Duyn. He was born at Whitehall on June 5, 1702, and was baptised at the Chapel Royal, Queen Anne being his godmother. His father also had received abundant tokens of royal favour. As a lad of nineteen years he had accompanied William of Orange to England in 1688 as Page of Honour. Eight years later (1696) he was raised to the Peerage with the titles of Baron Ashford of Ashford in the county of Kent, Viscount Bury of Bury in the county palatine of Lancaster, and Earl of Albemarle, a town and district within the Dukedom of Normandy. He also enjoyed the esteem and friendship of Queen Anne and George the First. Before his death in 1718, his son, the second Earl, who had been educated in Holland, had returned to England and had been gazetted in 1717 to the Coldstream Guards. He was appointed to the colonelcy of that regiment in 1744. Meanwhile in 1742 he had accompanied Lord Stair to Flanders and had been present at both Dettingen and Fontenoy.[1] After four years' absence he returned to England in the autumn of 1745 with the object of

[1] *Cf.* articles on the first and second Earls of Albemarle in *Dict. Nat. Biog.*, vol. xxxi., pp. 36, 44.

serving as a volunteer under the Duke of Cumberland,[1] at that time confronting the crisis created by Prince Charles's bold march to Derby. Albemarle, who had left Flanders at four hours' warning, was compelled to leave his horses and equipment at Antwerp, and when Cumberland took the field in Scotland in 1746, Albemarle proceeded thither hurriedly with the modest outfit of six shirts, and found himself compelled "to borrow, hire and buy everything in a strange manner" in that country.[2] While Cumberland remained at Aberdeen before his advance to Culloden, Albemarle was placed in command of the advanced post of the army at Strathbogie, "hardly ever pulling off my coat and breeches". On April 8 Cumberland left Aberdeen and on the 11th concentrated his army at Cullen. Albemarle joined him there that day.[3] To the Duke of Newcastle he had already expressed his anxiety for an engagement which "would put an end to this cursed and unnatural rebellion," for otherwise he feared "these villains will Lead us a dance from one bad country to a worse," and he added, "throw ye worse people I ever knew; for I protest I prefer ye soil to ye Inhabitants, for more malice, falsehood, cunning, and self interest was never mett with in any country whatesoever".[4] Anxious though he was for a decisive engagement, it would appear that even on the eve of Culloden Albemarle was doubtful whether Prince Charles's army would venture to meet Cumberland.[5] The victory of April 16, in which he commanded the first line of the Duke's army,[6] proved him incorrect in his anticipations. From Inverness, after the battle, he was ordered to Perth, much to his disgust, to join the Hessian troops under Prince Frederick of Hesse,[7] who had landed at Leith on February 8, 1746. They sailed from Scotland on June 10, 1746,[8] and Albemarle was at once called

[1] *Supra*, p. 6. [2] P. 7. [3] P. 3. [4] P. 2.
[5] *Cf.* his letter of 15th April, *supra*, p. 3. [6] *Dict. Nat. Biog.*, vol. xxxi., p. 44.
[7] *Supra*, p. 4. [8] *Scots Magazine*, vol. viii., p. 289.

upon to undertake a duty seemingly not less repugnant to him.

The Duke of Cumberland after his victory at Culloden on April 16 had remained at Inverness until May 23, 1746. On that date he marched to Fort Augustus,[1] and on July 18 vacated the command and proceeded to London.[2] General Hawley, who had been appointed Commander-in-Chief in Scotland in succession to Sir John Cope, and had been no more successful at Falkirk than his predecessor at Prestonpans, had been allowed to tender his resignation,[3] and to Albemarle's chagrin he was appointed his successor. He had no desire, he wrote to the Duke of Newcastle on June 14, to be left "in this cursed country". "I know ye people, I know ye country, and that my predecessors have split against a sharpe rock," he explained.[4] Albemarle, in fact, was anxious to accompany Cumberland to Flanders, whither the Duke proceeded at the end of the year. Cumberland, however, refused to entertain Albemarle's objections,[5] and on August 23, 1746, the appointment of the new Commander-in-Chief in Scotland was gazetted.[6]

On August 22, 1746, the Duke of Newcastle directed a despatch to Albemarle urging him in particular to use every endeavour to secure the person of Prince Charles.[7] The letters printed in the first volume sufficiently attest Albemarle's vigilance in that matter. Otherwise his administration was marked by no particular incident. In the somewhat difficult task of maintaining good relations with the civil authorities he appears to have been successful, and to have acted with judgment and tact. He remained at Fort Augustus until August 13, when he proceeded to Edinburgh, and remained there, seemingly in

[1] *Scots Magazine*, vol. viii., p. 284. [2] *Ibid.*, vol. viii., p. 342. [3] *Supra*, p. 6.
[4] P. 5. [5] P. 9. [6] *Scots Magazine*, vol. viii., p. 399. [7] P. 137, *supra*.

Sir John Cope's house,[1] until he vacated the command and sailed for Flanders on March 6, 1747.[2] At the Peace of Aix-la-Chapelle (1748) he was sent to Paris as Minister Plenipotentiary, and in the following year he received the Garter. In 1754 he was again despatched upon a mission to Paris, and died there suddenly on December 22 of that year. His son George Viscount Bury succeeded him.[3]

The Army in Scotland.

The English army in Scotland under Cumberland's command at Culloden consisted of fifteen battalions of foot, three regiments of hussars, the Duke of Kingston's horse, the artillery train under Colonel Belford, and some of the Argyllshire militia. The line regiments consisted of: 1st Royal Scots, Midlothian (St. Clair's); 3rd, the Buffs, East Kent (Howard's); 4th, Royal Lancaster (Barrell's); 8th, Liverpool (Wolfe's); 13th, Somersetshire (Pulteney's); 14th, West Yorkshire (Price's); 20th, Lancashire (Bligh's); 21st, Scots Fusiliers, Ayr (Campbell's); 25th, Scottish Borderers (Sempill's); 27th, Inniskilling Fusiliers (Blakeney's); 34th, Border, Carlisle (Cholmondeley's); 36th, Worcestershire (Fleming's); 37th, Hampshire (Munro's later, Dejean's); 48th, Northamptonshire (Ligomer's, later Conway's) and Batereau's. The three regiments of hussars were the 3rd (Bland's); 10th (Cobham's); 11th (Lord Mark Ker's). Cumberland's effective strength in the battle is given officially as 8,811, to which number the infantry battalions furnished 6,411.[4] Four days (April 20) after the Battle of Culloden,

[1] *Cf.* p. 95.

[2] Pp. 437, 438.

[3] *Cf.* Mr. H. Manners Chichester's article in *Dict. Nat. Biog.*, vol. xxxi., p. 44, where the authorities for Albemarle's career are cited. Mr. Chichester has misdated Albemarle's command in Scotland to a period subsequent to 1748.

[4] On this matter, *cf. Notes and Queries*, January, 1901, p. 24; Blaikie, *Itinerary*, p. 98; Home, *History of the Rebellion*, p. 229; *Scots Magazine*, vol. viii., p. 216.

Skelton's, Handasyde's, Houghton's, and Mordaunt's regiments arrived in transports at Leith and after a few days proceeded to the Moray Firth to join the army at Inverness. At about the same time the Stirling militia were called out to guard the Fords of Frew, while detachments of the Edinburgh militia were stationed along the south bank of the Forth, west of Edinburgh, thereby effectually holding the passes from the Highlands into the Low country.[1]

With so large a force at his disposal Cumberland resolved to follow up his recent victory, and to advance into the heart of the Highland country to inflict punishment upon the clansmen and their Chiefs. On May 23 he marched from Inverness, taking with him Barrell's, Wolfe's, Skelton's, Sackville's, Campbell's Scots Fusiliers, Houghton's, Dejean's, and Conway's foot, with Kingston's horse, and reached Fort Augustus the following day.[2] A week later (May 31) Houghton's regiment occupied Fort William and relieved Guise's regiment, which had withstood the siege of the Fort in the spring.[3] The work of vengeance was at once and rigorously prosecuted. From Fort Augustus parties were sent through the Highland glens. "Wherever these came they left nothing that belonged to the rebels. They burnt all the houses and carried off the cattle."[4] In Appin Campbell's Argyllshire militia were engaged upon the same task.[5] Loudoun's Independent Companies, which had

[1] *Scots Magazine*, vol. viii., p. 237.

[2] *Ibid.*, vol. viii., pp. 241, 284. Major-General Bland, with Price's, Howard's, and Cholmondeley's regiments, had preceded the Duke from Inverness on May 16. (*Ibid.*, vol. viii., p. 284.)

[3] *Ibid.*, vol. viii., p. 286. Guise's regiment proceeded to Berwick. (*Ibid.*, vol. viii., p. 394.)

[4] *Ibid.*, vol. viii., p. 287. This short sentence is sufficiently expressive. *Cf.* a letter in my *Rising of* 1745, p. 158, and Bishop Forbes's "Barbarities after Culloden," in Chambers, *Jacobite Memoirs*, p. 231. The State Papers in the Record Office contain unpleasant details of Cumberland's orgies.

[5] *Scots Magazine*, vol. viii., p. 241.

been absent from Culloden, and had preceded Cumberland to Fort Augustus, were similarly employed in Lochiel's country and in Badenoch.[1]

Meanwhile arrangements had been made for establishing a military force in the districts outside the area of actual operations. Major-General William Blakeney was left in command at Inverness after Cumberland's departure on May 23, and had under his command there his own, Handasyde's, Mordaunt's, and Batereau's regiments.[2] Brigadier Mordaunt arrived at Perth on May 19 with the Royal Scots, Sempill's, and Pulteney's regiments, and replaced the Hessians, who embarked at Leith and sailed for Flanders on June 10.[3] About May 23 Fleming's regiment proceeded from Inverness to Aberdeen,[4] to the little content, as it proved, of the inhabitants. A month earlier (April 23) Cobham's dragoons and (April 30) Lord Ancram with Ker's dragoons had left Inverness to guard the eastern coast.[5]

Such remained the military situation in Scotland until Cumberland vacated the command at Fort Augustus on July 18, 1746. He left Scotland divided into four military districts. No. I. stretched from Fort Augustus to Inverness and thence to Spey-mouth, and was under the command of Major-General Blakeney at Inverness. Within that area the following regiments were distributed: Houghton's at Fort William, Loudoun's regiment and his Independent Companies at Fort Augustus, Blakeney's and Batereau's regiments at Inverness, Mordaunt's at Nairn, and Handasyde's at Elgin. No. II. included the district from Spey-mouth along the coast to Dundee, and was

[1] *Scots Magazine*, vol. viii., pp. 240, 241, 284. [2] *Ibid.*, vol. viii., p. 285.

[3] *Ibid.*, vol. viii., pp. 240, 289. *Cf.* p. 4, *supra*, note 1.

[4] *Ibid.*, vol. viii., p. 241. More complaints of the army's conduct were presented by Aberdeen than any other town in Scotland, so far as the papers in these volumes furnish information.

[5] *Ibid.*, vol. viii., p. 237.

garrisoned by Dejean's at Cullen and Fleming's at Aberdeen. Major-General Skelton was in command. No. III. was centred at Perth, where Major-General Huske and Brigadier Mordaunt were placed in command of the Royal Scots, Sackville's and Skelton's regiments and the artillery train. No. IV. included the district from Stirling southward, and was commanded by Major-General Bland and Lord Sempill. Under their supervision were Barrell's, Price's, and Conway's regiments at Stirling, the Scots Fusiliers at Glasgow, and Lee's at Canongate, Edinburgh. The horse regiments of St. George, Cobham, Ker, Naizon, and Hamilton were sent to grass.[1] At the same time the strength of the army in Scotland was diminished by the despatch of Wolfe's, Pulteney's, and Sempill's regiments to Flanders.[2] Howard's Buffs proceeded to Carlisle.[3] Cholmondeley's was ordered to Newcastle, and Kingston's horse marched to England to disband.[4]

Albemarle remained in camp until August 13, when, owing to the badness of the weather and the defective equipment of the troops in clothing and tents,[5] he set out from Fort Augustus to Edinburgh, leaving Lord Loudoun at Fort Augustus with his regiment and seventeen Independent Companies composed of Macleods, Mackays, Monroes, and Sir Alexander Macdonald of Sleat's clan,[6] whom Albemarle deemed sufficient to "not only suppress any of the Rebells, were they to assemble in small Bodies for the Defence of the Cattle, but also apprehend the Pretender's Son, if he should remain in this Country".[7]

[1] *Scots Magazine*, vol. viii., p. 342. The above distribution does not appear to have been completed until Albemarle broke up the camp at Fort Augustus on August 13. *Cf. ibid.*, vol. viii., p. 393, and No. CLV. *supra*.

[2] They sailed at the beginning of August.—*Supra*, p. 33.

[3] The regiment reached Glasgow from Stirling on July 30, and on August 1 marched for Carlisle.—*Scots Magazine*, vol. viii., p. 393.

[4] They disbanded at Nottingham on September 15.—*Ibid.*, vol. viii., pp. 342, 441.

[5] *Supra*, p. 15. [6] *Scots Magazine*, vol. viii., p. 394. [7] *Supra*, p. 15.

No diminution in the strength of the regular army in Scotland took place until March 6, 1747, when Albemarle proceeded to Flanders, taking with him Howard's Buffs from Carlisle, the Scots Fusiliers, Fleming's, Dejean's and Conway's regiments.[1] From that date the weakening of the establishment in Scotland was rapid. The 2nd battalion of the Royal Scots sailed from Leith for Flanders on May 24, 1747, and Loudoun's 2nd Highland regiment followed thither from Burntisland on May 30.[2] Early in July, 1747, the usual camp was formed at Fort Augustus of Skelton's, Handasyde's, Mordaunt's, Sackville's and Blakeney's regiments. Houghton's regiment, which had replaced Guise's at Fort William in May, 1746, was in its turn replaced by Lee's, and St. George's dragoons were sent into quarters at Aberdeen and other places upon the eastern coast.[3] At the end of August, 1747, two more regiments were withdrawn from Scotland: Lee's from Fort William and Sackville's from Fort Augustus were despatched to Burntisland and sailed for Flanders on September 8. Detachments of one hundred men each from Skelton's, Handasyde's, Mordaunt's, and Blakeney's regiments at Fort Augustus were sent to garrison Fort William in place of Lee's regiment.[4]

About September 10, 1747, the summer camp at Fort Augustus broke up and the troops proceeded to winter quarters. Skelton's took the place of the composite garrison at Fort William. Handasyde's was sent to Perth, where the artillery train was also quartered. Five of Mordaunt's companies garrisoned Edinburgh Castle, and five were placed at Linlithgow and Borrowstouness. Blakeney's was distributed between Montrose, Arbroath, Dundee, and St. Andrews. Five companies of Barrell's, relieved at Edinburgh Castle by Mordaunt's five

[1] *Infra*, p. 437.
[2] *Scots Magazine*, vol. ix., pp. 247, 248.
[3] *Ibid.*, vol. ix., p. 348.
[4] *Ibid.*, vol. ix., pp. 402, 452.

companies, moved thence to Stirling. Houghton's regiment, lately relieved at Fort William, was now moved from Stirling to Glasgow. At Inverness Price's regiment was quartered. Batereau's was distributed between Elgin, Banff, Peterhead, and Aberdeen. Two additional companies of the 1st and two of the 2nd battalion of the Royal Scots were established at Cupar-Fife and Kirkcaldy respectively. At Taybridge and Tarland were three companies of Lord John Murray's Highlanders, and ten companies of Loudoun's were stationed at Ruthven and Dingwall. St. George's dragoons occupied Leith, Haddington, Duns, and Kelso, and Naizon's were quartered at Newliston, Ayr, Stranraer, and Dumfries.[1] Such was the distribution of the military forces in Scotland when on October 31, 1747, Humphrey Bland, lately promoted Lieutenant-General and Commander-in-Chief in Scotland in succession to Lord Albemarle, arrived at Edinburgh.[2]

The Army and the Civil Authorities.

That friction should have arisen between the army and the civil authorities in Scotland is hardly to be wondered at. Not much more than a generation had passed since Scotland had, in 1707, as her patriots held, bartered her independence. The events of 1745 had offered the first opportunity for the War Office at Whitehall to direct operations upon a considerable scale in Scotland, and though public bodies were ready to recognise in the English army a force which was battling for their true interests, it still remained to them an army which had come from a distant Macedonia, alien in traditions, not over-considerate of Scottish susceptibilities, and by no means unready to confound friend and foe. It needs but a glance at the correspondence of Albemarle and his officers to detect in their minds a fairly rooted conviction that Scotsman

[1] *Scots Magazine*, vol. ix., p. 453. [2] *Ibid.*, vol. ix., p. 500.

and Jacobite were convertible terms. Added thereto was a scarcely concealed contempt for the country and its people. If such was the attitude of the leaders, it is not strange that the rank and file and junior officers failed sometimes to deal gently with the susceptibilities of the proud people whose saviours they claimed to be. Nor was an eighteenth century army trained in those habits of restraint which the higher standard of more modern times demands. The individual unit of the rank and file reverted easily to a state of nature amid the ardours of a campaign. The Ten Commandments were suspended with the Habeas Corpus Act. Yet, so far as the papers in these volumes bear testimony, the conduct of the army in Scotland was by no means bad. Cases of flagrant assault were rare, and it is clear that Albemarle fully recognised the necessity for maintaining harmonious relations with the civil authorities, and that he was ready to check any tendency to military ὕβρις on the part of his officers.

From Aberdeen especially lamentations reached the ears of Lord Albemarle and the Lqrd Justice-Clerk, notably over the so-called "riot" which occurred in the town on the night of August 1, 1746. On that date, the anniversary of the accession of the Hanoverian dynasty to the throne of Great Britain and Ireland, the officers of Fleming's regiment quartered in Aberdeen met to celebrate appropriately the auspicious occasion. The Duke of Gordon, who was on his way to London, the Town Clerk and the Collector of Customs at Aberdeen were present as guests.[1] The Earl of Ancram, who commanded what may be termed the North-East Military District, had approached the civil authorities with the suggestion that the town should be generally illuminated in honour of the day. His proposal had been coldly received, and various objections had been urged against it. The magis-

[1] *Supra*, p. 28.

trates were willing that the bells should be rung and that the flag should be hoisted, but the careful authorities had found from experience that illuminations occasioned "Noise and Confusion upon the Street". Besides, to be effective on a light August evening, the illuminations would have to be at an hour when "the Inhabitants ought rather to be at rest". A message to that effect was communicated to the Town Clerk to carry to Lord Ancram. He, however, came to the strange conclusion, that as the authorities "were not thoroughly to comply with Lord Ancram's desire, he thought it better not to send an answer".[1] The worthy Clerk, though the guest of the officers in the evening, does not appear to have offered even a hint that objection had been taken to their request, and the conviviality of the supper-party was broken into rudely by a messenger, who reported that "the mob and some soldiers among them were breaking all windows that were not light," those of the Town House among others. Prompt measures were taken, and a sergeant and twelve men were instantly despatched to Old Aberdeen to prevent any outbreak there. The authorities were indignant, the more so since even the officers of Fleming's regiment were declared to be implicated in the riot, Captain Hugh Morgan in particular. Several swore that Morgan incited the mob, and "one who swore heartily" declared that the captain himself threw stones at the offending windows. Morgan was thereupon arrested by the outraged magistracy, his lieutenant-colonel finding bail for his appearance.[2] The Lord Justice-Clerk was probably sufficiently acute in inferring that the officers' zeal for the Royal family was "inflamed perhaps with a little too much liquor".[3] The Magistrates, however, could find no excuse in loyal excesses. They pursued the offending officers with the persistency of the Eumenides on the

[1] P. 194. [2] Pp. 28-31. [3] P. 42.

trail of Orestes. On August 4 they complained to the Lord Justice-Clerk of the "Attrocious Riot". The inhabitants had been "much frighted and intimidated," they declared; a "vast many" windows had been broken, "particularly the Windows of the Townhouse and the Warehouse of George Forbes, wherein Several Mirrours and other goods were broke and spoil'd ".[1] On the following day (August 5) they informed Lord Albemarle that the "reall Damnages" occasioned by the riot amounted to £130 "besides Costs".[2] "If it had been only a few panes of glass that had been broke," they wrote again on August 16, "neither we nor any of the Inhabitants would have taken the least notice of it. But there were many hundreds of panes broke, and upwards of two hundred familys suffered on this occasion."[3] On August 29 the Magistrates wrote to the Lord Justice-Clerk. A committee of tradesmen had been appointed, they told him, and had estimated the damages occasioned by the riot at £129 3s., in addition to the "expenses of consulting Lawyers and sending several Expresses South and North, and allowance to Tradesmen who were employ'd severall days in takeing up account of the Damage," items which added about £20 to the sum of their claim.[4]

Five days after the disturbance of August 1 the authorities of Aberdeen were again outraged by the conduct of the military. By Lord Ancram's order two merchants of the town, Walter Nicol and Andrew Walker, were summarily apprehended on August 6 and were committed prisoners to the guard. Both men had returned to Aberdeen after Cumberland had left the town in April, and in accordance with instructions, they and all others who had been absent during the Duke's visit were closely examined as to their movements. That ordeal the two men had successfully faced. On what grounds, therefore, were they appre-

[1] P. 41. [2] P. 56. [3] P. 116. [4] P. 194.

hended? Such was the case as it was represented to the Lord Justice-Clerk.[1] There can be little question that both Nicol and Walker were keen Jacobites, and had deemed it advisable to avoid Cumberland's immediate neighbourhood. The information against them, upon which Lord Ancram had acted, showed that in November, 1745, when Lord John Drummond's troops appeared on the eastern coast, Nicol and Walker were emboldened to publicly assert their Jacobite sympathies, and when a detachment of those troops landed at Aberdeen, both men "join'd them with a Huza, their hats waving in their hands," and "joind the Rebels at reading the Manifestos and drinking treasonable healths" at the Market Cross.[2] But if the guilt of the two men was clearly established, the circumstances of their apprehension were irregular, and the Lord Justice-Clerk found it necessary to admonish Lord Ancram and to remind him that the town of Aberdeen was under a regular magistracy, and that the town's gaol and not the military guard was the proper place wherein to confine prisoners charged with civil offences.[3]

Yet another offence on the part of the military was the subject of a complaint by Alexander Grant, the Sheriff of Aberdeen. On the morning of August 7 his house, Grantsfield, now Midmar Castle, was visited by a party of Fleming's regiment, who examined it thoroughly, in spite of his vehement protest, upon the plea that he was suspected of harbouring rebels. They were induced to abandon their first intention to quarter forty men upon him, but proceeding to a neighbouring ale-house, they drank "about Seventy Scots pints of Ale and paid nothing for it," and committed other reprehensible acts.[4]

[1] Pp. 76-77. [2] P. 109. [3] P. 78.

[4] P. 82. Grant's sympathies were in fact Jacobite. Lord Albemarle describes him (*supra*, p. 357) as Jacobite "in heart". His Sheriff-Depute, appointed by him, read the Pretender's proclamation at the Market Cross of Aberdeen. I am indebted to Mr. David Littlejohn, Sheriff-Clerk of Aberdeen, for this information.

If Fleming's regiment appears to have been singularly unfortunate in its relations with the civil authorities, Cobham's dragoons also gave considerable offence by their conduct. Viscount Arbuthnott, writing to Lord Albemarle on August 8, complained that he had been compelled under threats to surrender his arms, "viz. a silver handed Sword, two mourning ones, two pair of pistols for my own use and my servants, and a fouling piece for my own diversion when I go to sport".[1] Captain Charles Hamilton, of the same regiment, found himself involved in legal proceedings at the suit of Thomas Ogilvie of Coul for having impounded the cattle of his tenants, and of John Watson of Turin, near Forfar, for wrongful imprisonment.[2] The factor of the sequestered estate of Stanhope at the same time preferred a complaint against a party of St. George's dragoons who had driven off the cattle and horses from the farm of Harrow. The farm of Woodhill, near Dundee, was treated in a similar manner by another party of the same regiment. Yet another case in which St. George's dragoons were involved related to the impounding by Captain Whitney Mackean of certain books belonging to John Murray of Broughton and in the hands of the Rev. William Wallace, minister of Drummelzier. The answers lodged against these various complaints suggest, however, that the military authorities were not without good grounds for their conduct.[3]

Of a more serious nature was a complaint against certain officers of Howard's Old Buffs at Stirling. On July 29, 1746, William Pollock, a wig-maker at Stirling, sent his apprentice to Lieutenant Stoyt with a wig which the latter had ordered. The Lieutenant expressed himself roundly as highly dissatisfied with the wig, and bade the man take it back to his master. The

[1] P. 80. [2] *Cf. supra*, p. 13, note 2.

[3] *Cf. Scots Magazine*, vol. viii., pp. 343 *et seq.*

fellow did so, but in an audible *sotto voce* allowed the Lieutenant to understand that his opinion of him was far from complimentary. Stoyt thereupon followed him to his shop, beat him with a stick, assaulted the wig-maker also, and aided by others of the regiment, dragged off the offending apprentice to the guard, when, with Lieutenant-Colonel George Howard's approbation, he was stripped, tied to halberts and whipped in the market-place. The case was at once brought before the Court of Justiciary and a precognition of the facts was ordered to be taken.[1] The judicious intervention of Major-General Bland appears to have brought about an amicable settlement of the matter.[2]

Prince Charles's Escape to the Islands.

Prince Charles had escaped from the mainland to the Long Island three months before Albemarle took over the command from Cumberland in July. Of that early period of the Prince's wanderings the papers in the first volume contain an account by Captain Felix O'Neil.[3] O'Neil elsewhere describes himself as having been born at Rome. His father had been killed at the battle of Campo Santo, and he himself had served in the Spanish army until 1744, when he received a commission in Lally's regiment in the French service. In March, 1746, he had been sent to Scotland with despatches from the French Court to the Young Chevalier.[4] He had been made prisoner shortly after Prince Charles sailed from South Uist to Skye on June 28. His capture appears to have been regarded as an important one, for Major-General John Campbell, writing to Albemarle on August 8,[5] says that "by the testimony of several of the Prisoners I have on Board, He was a great favourite with the Young Pretender, and esteem'd as one of the Ablest Men in Military matters the French sent

[1] *Cf. Scots Magazine*, vol. viii., p. 392, and pp. 165 *supra*, 403 *infra*.
[2] P. 412. [3] Pp. 71 *et seq.* [4] P. 342. [5] P. 81.

over". Though one infers that somewhat of this appreciation of his abilities was self-inspired, O'Neil's account of his travels with Prince Charles, despite its inaccuracies, is of importance since it adds to our knowledge a few details and one fact of particular interest. From his narrative it appears that after the engagement at Culloden, O'Neil was sent into Inverness by the Prince's orders to warn his adherents to escape. O'Neil as he galloped through the town communicated to all whom he saw tidings of the battle. At a window he saw Lady Ogilvy, Lady Mackintosh and others, "whom he did not give himself time to speak to, tho' they seemed desirous of it". Thence he hurried on to Moy, where he expected to come up with the Prince. The Prince's flight, however, had been more precipitate, as Lord John Drummond and other officers whom O'Neil came up with informed him. Resting that night (April 16) with one of Lord Lovat's factors, he learnt next morning that the Prince contemplated making a rally at Fort Augustus. Following him post-haste thither, O'Neil found there "nobody except five or six people," from whom he learnt that the Prince had gone on to Macdonell of Lochgarry's house. Following in the Prince's footsteps O'Neil at length came up with him on April 21, or April 19 according to his seemingly inaccurate statement. He found him lodging in Borradale, where he had been since the previous day, with one Donald Roy Macdonald, one of the Prince's loyal hosts whose name has until now escaped record. On April 26 O'Neil, piloted by Donald Macleod, sailed with the Prince for Stornoway. Bad weather compelled them to put into Rossinish, though O'Neil has no word of the boat's being staved to pieces on a rock, an incident which he recollected, or invented, at a later period.[1] Upon resuming their journey, they were again forced to seek shelter

[1] *Cf.* p. 73, *supra*, note 3.

on April 30 at Scalpa. Here the Prince remained until May 4, and passed as the son of one Sinclair, "a shipwrecked merchant" O'Neil explains, supplementing other accounts in that detail. Of their reception at Stornoway he gives an account similar to that in his Journal printed in *The Lyon in Mourning*.[1] With their arrival and stay in Coradale, O'Neil reveals the name of another of Prince Charles's unrecorded hosts, one Ronald Macgachan, who with "some of the people of the Country" sheltered and fed him from May 15 to June 5. Ronald shared the fate of Prince Charles's other hosts, and his name appears among those whom Major-General Campbell handed over to Commodore Smith on August 3.[2] After further travels the Prince on June 21 met Flora Macdonald, and O'Neil seems to suggest that the *incognito* of "Betty Burke" was the Prince's own suggestion. Between his meeting with Flora Macdonald and his departure with her for Skye on June 28 the Prince spent an anxious week hiding in the heather. Of this period O'Neil records the extraordinary fact—not repeated by him in his Journal in *The Lyon*—that the Prince, despairing of help from Flora Macdonald, and hemmed in by Campbell's troops, was upon the point of surrendering when Neil Maceachain opportunely arrived with the news of Flora's willingness to help the fugitive. That the Prince's position was in the last degree critical cannot be gainsaid, and that his invariably sanguine temperament should at last have acknowledged defeat is a reasonable conjecture. On the other hand, it is strange that O'Neil should have omitted to mention so interesting and dramatic an incident in his later Journal. Despite his entreaties O'Neil was unable to induce Flora Macdonald to allow him to accompany her. It is characteristic of his general inconsistency of statement, that whereas in his Journal he explains that Flora

[1] *Cf.* vol. i., pp. 365 *et seq.*

[2] *Supra*, p. 69.

had secured a pass "but for one servant," in his Declaration made at Fort Augustus on August 7, 1746, he says, "they [the Prince and O'Neil] could not prevail upon Miss Flora to take Capt O'Neille along with them, as he did not speak the language of the country, and as he had (as she said) a Foreign air". O'Neil, whose two accounts of his doings after parting from the Prince are not consistent,[1] was shortly after made prisoner by Captain Macneil. He was placed on board H.M.S. *Furnace*, and on August 9 was imprisoned at Inverness. There he remained until November 12, when he was sent to Edinburgh Castle. He continued there until February, 1747, when, with the other French officers who had served under Prince Charles, he secured his release.[2]

The Pursuit of Prince Charles in the Highlands.

Among the most interesting of the papers in these volumes are those which reveal the futility of Albemarle's endeavours to apprehend Prince Charles and to obtain reliable intelligence of his movements. That there were many, even among those who had associated themselves with the Prince's enterprise, who were ready to give information is sufficiently clear from Albemarle's correspondence. Pickle was by no means the only gentleman of that kidney in the Highlands, but the intelligence communicated to Albemarle was usually incorrect, and if correct, one suspects that it was not infrequently purposely conveyed too late to be of use.

Before leaving Fort Augustus for England on July 18 Cumberland had made a last effort to capture Prince Charles. On July 10 the Prince had returned to the mainland of Scotland from his wanderings in Skye and elsewhere among the islands. The news of his return was almost immediately conveyed to Fort Augustus, for the Mackinnons, his guides in the last stage

[1] *Cf.* p. 76, note 3.

[2] Pp. 37, 76, 84, 93, 381, 382.

of his journey, were made prisoners after parting with the Prince.[1] On July 13 Cumberland sent out a force of fifteen hundred men to search the coast. They returned to Fort Augustus on July 25, "vastly fatigued, almost naked," having completely failed to gain any intelligence of the object of their search.[2] The Prince, meanwhile, had set out from Morar on July 18, and breaking through the chain of sentry-posts formed by the troops, had made his way to Glenshiel and thence to Glenmoriston. He was in fact lurking there in a cave, within ten miles of Fort Augustus, on the day on which the weary troops were returning from their search for him. Conflicting rumours poured in upon Albemarle. From one quarter the Prince was reported to be in Badenoch, making his way seemingly to the eastern coast. From another it was stated that he had gone northwards towards Caithness. Again, he was still in Morar and Knoidart, and "the last Report that I had," writes the bewildered Earl to Newcastle on July 25, declared the Prince to have returned to the Long Island.[3] In the next few days Albemarle eagerly endeavoured to secure reliable intelligence, employing "Friends (if any in these Hills) and Foes" for that purpose, as he wrote to Newcastle on August 1. On that date the Prince was still in Glenmoriston, but Albemarle's latest information reported him to be at Loch Broom, "ill attended, hiding himself in the Day time and moving about from Place to Place at Night".[4] The Prince had in fact made his way from Glenmoriston northward towards Poolewe in hopes

[1] P. 10. [2] P. 11.

[3] P. 11. It appears (p. 50) that Captain Monro of Culcairn was sent to follow up the Caithness clue. He returned thence to Loch Broom on August 1 in consequence of Albemarle's later information. Lord Ancram also sent out parties from Aberdeen to search for the Prince in consequence of Albemarle's instructions. They were soon recalled and had returned by August 6, except a detachment under Captain Sutherland which had been sent to Ruthven. *Cf.* No. XLVIII., and a letter of the Lord Justice-Clerk in *Scots Magazine*, vol. viii., p. 391.

[4] P. 14.

of finding a French ship there to convey him to France. He had, however, changed his route, and by August 14 lay concealed in Glengarry, south of his previous quarters in Glenmoriston.[1] Albemarle remained convinced, however, that the Prince was near Loch Broom,[2] and in obedience to his directions of July 28 and 29, Commodore Smith had by August 3 sent the *Serpent* thither, with orders to the *Triton*, *Greyhound*, and other ships to co-operate in the endeavour to prevent the fugitive's escape.[3]

From Major-General John Campbell, in a letter dated August 4, Albemarle received fresh intelligence as to the Prince's movements. Campbell reported that a few days before, Prince Charles, Lochiel and others had been observed in a shieling in Glen Dessary.[4] But the value of the information was considerably discounted by the fact that it located the Prince in Glen Dessary nearly a fortnight later than the date (July 20) on which he was actually there. Albemarle, however, acted at once upon the information, and on August 9, about three weeks after the Prince had left the spot, Lieutenant-Colonel Campbell and a party of the Argyllshire militia arrived at Glen Dessary. He was unable to obtain any news of the Prince's recent visit, though he learnt that Lochiel's brother, Dr. Archibald Cameron, had been in Glen Dessary three days before, no doubt on his way to join Prince Charles, whom he came up with at Loch Arkaig on August 20. Campbell found only one inhabited shieling in the Glen, and apprehended two of its occupants, from

[1] P. 27, note 1.

[2] *Cf.* No. XL. (Enclosure i.), for a letter dated August 4, from three inhabitants of Loch Broom, emphatically declaring that the Prince had not set foot within their bounds.

[3] P. 32. Monro of Culcairn, who was at Loch Broom, sent parties to Coigach and Assynt for the same purpose. *Cf.* pp. 53, 58.

[4] P. 37. In a later letter (p. 140) Campbell declared that he was "not very sanguine in the matter".

whom, though he caused them to be flogged "severely with belts," he gained no information regarding the Prince.[1]

On August 12 Albemarle sent another despatch to the Duke of Newcastle. He confessed his failure to apprehend the Prince, who on the date of his letter was in the Braes of Glenmoriston, and within ten miles of him. He reported that the Prince was certainly not in Badenoch, since parties from Aberdeen, Strathbogie, Castle Menzies and Blair Atholl had narrowly searched that district. He therefore concluded that the Prince had escaped either in one of the French vessels which had been "hovering along the coast," or in a boat to the Long Island. His failure to obtain reliable information he attributed to the fact that "our detachments have always been betrayed by People that the Rebels had on the top of the High Hills, who by some signall agreed on could always convey any intelligence from one to another in a short space of time". On the following day (August 13) Albemarle proceeded to Edinburgh, leaving the Earl of Loudoun to prosecute the search for the Prince by sending out "frequent parties," which Albemarle apprehended would be "the most effectuall way to come at and secure him".[2]

Embarrassing, one may conjecture, as Prince Charles's capture would have been, the Government was firmly set upon it. On August 22 the Duke of Newcastle directed Albemarle to "continue to be very vigilant in preventing the Escape of the Pretender's Son".[3] "You need not have recommended to me," Albemarle replied on September 1, "the preventing the Pretender's Son's escape, or the apprehending him if possible, for, to do the last, I should with infinite Pleasure walk bare foot from Pole to Pole". As to the Prince's movements Albemarle was entirely without information since the abortive Glen Dessary expedition, and the very absence of news confirmed his belief

[1] P. 92. [2] P. 97. [3] P. 137.

that the Prince was in the Long Island, or had "died of misery in some of his hidden Places". The latter conjecture was based upon information furnished by Captain Felix O'Neil, who reported that at the end of June the Prince was suffering from "the Bloody Flux".[1]

Prince Charles was by no means in the critical condition inferred by Albemarle. The breaking up of the camp at Fort Augustus on August 13 was of distinct advantage to him, and on August 17 the Argyllshire militia returned to Inveraray to disband. The other militia regiments which had been called out in Scotland were disbanded at the same time.[2] The endeavour to follow the Prince's trail seems, therefore, to have been considerably relaxed. On September 5 he found shelter in Cluny's "Cage" in Benalder, and there he remained until his escape from Scotland on September 20.[3] From time to time rumours of varying inaccuracy reached Edinburgh as to his whereabouts. Towards the end of August he was reported to be in the Long Island, where, it was said, he had been seen "by some parties, but by means of interjacent lakes and morasses, with which the country abounds, they were never able to come up with him".[4] Early in September he was reported to have presented himself at "Lady M—g—y's" in great distress, and to have declared that he had not touched bread for two days, nor slept in a bed for five nights. Other accounts declared that in August he had sailed from the Moray Firth to France, and a letter from Dunkirk of August 22, N.S., even stated that he had landed at Blankenberg.[5] That the Prince had indeed escaped from Scotland in the latter part of August seems to have been generally and confidently held, so completely and effectually did Cluny's "Cage"

[1] P. 208.
[2] *Scots Magazine*, vol. viii., pp. 393-94.
[3] *Cf. The Rising of* 1745, pp. 216-19.
[4] *Scots Magazine*, vol. viii., p. 392.
[5] *Cf. Scots Magazine*, vol. viii., p. 444.

hide him from even the most keen-scented informer. On September 9 Albemarle wrote to the Duke of Newcastle that he had "heard from the North for certain that the Pretender's son sailed in a small French Cutter from the Western Coast in Kintaill in the night of the 19th" of August.[1] But four days later (September 13) he was obliged to apologise to Newcastle for "the little connexion your Grace will find in the intelligence I transmit to you, which is owing," he explained, "to the disaffection of those inhabiting North of this Place".[2] The conflicting intelligence enclosed by Albemarle for the Duke's perusal was certainly bewildering. In one the Prince was described, with approximate accuracy, as being in Lochaber with Lochiel. In another the Prince's escape from Scotland in a French privateer was again asserted. Another most curious jumble of fact and fiction represented the Prince as being "hid underneath ground in a sort of Cave in the Isle of Mull, near the house of Jerlvick Maclean". The sponsor for the correctness of this intelligence was "the woman's father who carried meat to him [Prince Charles] several times".[3] The transposition of the "romantic comical habitation"[4] which Cluny had prepared for the Prince, in which he still lay concealed on September 12, from the slopes of Benalder to distant Mull is distinctly curious. Albemarle, ignorant of the confused mixture of fact and fable, followed up the clue, and despatched a detachment to Mull to make inquiry. "I hope to hear they may prove successful," he wrote on September 20,[5] "tho' I don't flatter myself with it, for it is not to be supposed that the Pretender's son would continue so long in ye same place." "Next to a certainty" he was persuaded that the Prince was not in Mull, he wrote to Newcastle on September

[1] P. 220, *supra*.

[2] P. 227.

[3] Pp. 228, 231, 233. It was even rumoured (p. 233, note 2) that the Prince was personated in Scotland by a double "for a while after" he had actually escaped.

[4] *The Rising of* 1745, p. 216.

[5] P. 235, *supra*.

23.[1] Albemarle was right. Prince Charles was not even in Scotland. He had sailed from Lochnanuagh on September 20, and early in the morning of September 24 Albemarle, "called out of [his] bed and . . . fast asleep," penned his despatch to the Government to announce that the long-hunted fugitive had in fact escaped.[2]

The Prince's Escape.

Throughout the early part of September, 1746, Prince Charles lay concealed in Benalder, and for the greater part of the time in Cluny's "Cage". On September 13 important news reached him. At about one o'clock on the morning of that day Alexander Macpherson appeared at the "Cage" and announced the arrival of two French ships in Lochnanuagh. Without losing a moment the Prince started off for the coast, halted on the 16th at Achnacarie, Lochiel's ruined home, and on the 19th reached Lochnanuagh. Within a few hours of his arrival he sailed for France.[3]

The papers in these volumes not only furnish a fairly complete diary of the proceedings of the French vessels from their appearance at Loch Boisdale on September 5 to their departure from Lochnanuagh on September 20, but add some details of interest to our knowledge of the last episode in Prince Charles's adventure.[4]

On September 5, 1746, two French vessels, the *Prince de Conti* and the frigate *L'Heureux* appeared off Loch Boisdale in

[1] P. 236.

[2] P. 242.

[3] *Cf. The Rising of* 1745, pp. 217-19. Near Achnacarie, on September 16 or 17, the Prince and his party fell in with a certain John Machevoul, whom they took with them to Lochnanuagh, releasing him so soon as they were on board. *Cf.* p. 292.

[4] In particular, the time of his arrival at Lochnanuagh, the precise hour of his departure, and the settlement of the question as to which of the two French vessels carried him to France.

South Uist.[1] They had come by the west of Ireland and had been fitted out at St. Malo especially to search for the Prince. According to the evidence[2] of an Edinburgh tailor, Donald Macdonald, whose business took him to Lochaber, and who dined on board the *Prince de Conti* at Lochnanuagh on September 12, the two vessels had been hired for the purpose by Prince Charles's brother, Prince Henry, from one Butler of St. Malo, and had been despatched to Scotland with orders "not to leave the Coast (unless forced away) until he [Prince Charles] was found and got aboard". Both vessels carried an armament of over thirty guns,[3] and were manned with strong crews of French and Swedes.[4] Captain Lynch, an Irishman, was in command of the *Prince de Conti*. On board *L'Heureux*, and in sole command of the expedition, was Colonel Warren, and with him Captain O'Brien. Captain Boullue (? Bellew) was in command of the vessel.[5]

The two vessels entered Loch Boisdale on September 5 piloted by two Lewis men who had escaped from Culloden. Upon their arrival they landed a party of fifty men, and giving themselves out to be Englishmen, the detachment marched towards Kilbride, but retreated to the ships when they learnt that the Independent Companies stationed at Benbecula and elsewhere were assembling to attack them. They took with them on board four of the islanders and "made them drunk in hopes to get some intelligence from them about the Pretender's Son and some of the principall Rebel officers". Failing in that

[1] P. 237. [2] P. 270.

[3] The information is conflicting as to their exact armament. Prince Charles in his letter to Cluny (*cf. The Rising of* 1745, p. 218) describes them as having 36 and 32 guns respectively.

[4] Macdonald gives the strength of the combined crews at about 550. A probably more accurate account gives them 220 and 160 respectively. *Cf.* p. 279, *supra*.

[5] P. 279.

endeavour they sent two of the four men on shore, and retained the other two to act as pilots to the mainland.[1]

On the following day, September 6, the vessels were observed to sail from Loch Boisdale in the direction of Skye,[2] and about four o'clock that afternoon they anchored in Lochnanuagh. There was then lying wind-bound in the Loch the *May* of Glasgow, Captain Lachlan Maclean. He concluded that the new arrivals were English men-of-war, but to his astonishment the newcomers, so soon as they came to anchor, sent a boarding-party to the *May* and declared her their prize in the French King's name. A crew of six men and an officer were left on the *May*, and the vessel did not regain her liberty until the French ships left the Loch.[3]

Warren and his companions lost no time in prosecuting their search for the Prince. On September 7 Captain O'Brien, accompanied by young Sheridan, walked over to Glenaladale in Moidart, but heard nothing of Charles. Alexander Macdonald of Glenaladale himself proceeded to Loch Arkaig. There he learnt that the Prince had last been heard of in Badenoch —Cluny's "Cage" in Benalder. Alexander Cameron, the son of Clunes, hastened thither, only to hear that the Prince had left Badenoch and had gone southward. A week passed; the fugitive was still not found. On the 12th, Donald Macdonald, the Edinburgh tailor, dined on board the *Prince de Conti*. Their failure to trace the Prince had considerably depressed the spirits of his would-be rescuers, and Macdonald remarked that they were "all in great pain for fear of being disappointed in finding him". There was a good deal of speculation as to the Prince's object in proceeding southward, and Macdonald "particularly heard the Gentleman with whom he dined" declare

[1] P. 237. [2] P. 269.

[3] P. 279. It is stated in one account (p. 240) that the French threw up entrenchments at the mouth of the Loch.

that the Prince would first endeavour to get help from Barclay of Ury, near Stonehaven, and that should he fail there, he would probably make his way direct either to the house of Norwell Hume, near Edinburgh, or to Lady Bruce in Leith citadel, or to Priestfield, Lady Cunningham's house near Edinburgh.[1] Such conjectures were very wide of the mark, for but a few hours after the dinner on board the *Prince de Conti* ended, Prince Charles had received news of the ships' arrival and was on his way from Benalder to join them.

Another week of anxiety passed before the Prince's arrival. Meanwhile many of his followers found their way to the ships. On September 11 Young Clanranald and Glenaladale, "with 5 of their Inferiour Gentlemen and Ten private men or Servants," boarded *L'Heureux*. On the following day Clanranald and some of his followers were transferred to the *Prince de Conti*. Bishop Macdonald was also on the vessel. On the 13th Barrisdale and his son went on board *L'Heureux*, and, like Clanranald, were transferred to the other ship. Barrisdale left next morning and returned to his house "in order to settle his affairs" preparatory to leaving the country, and when he returned, so Donald Macdonald gathered, he was to be made a prisoner.[2]

Disappointed in their quest of the Prince on the mainland, the French ships extended the radius of their search. On the 15th they and their prize, the *May*, got under sail, "but the Wind soon coming contrary they came to Anchor".[3] On the 16th there was still no news of the Prince, and the ships were again sent "to take a trip to sea and to return there [Lochnanuagh] and thereabouts and try all methods to get Intelligence".[4] They

[1] P. 272. Lord Albemarle patiently followed up these clues. *Cf.* p. 269.

[2] Pp. 268, 272, 279. An account of Barrisdale is given elsewhere in this Introduction.

[3] P. 279.

[4] P. 273.

cruised between Skye and Eigg and returned to their old anchorage in the evening.[1] Two more days passed. But on the 19th, "about six in the Evening," as Colonel Warren and Captain Bellew were finishing their supper on board *L'Heureux*, the sudden and joyful news reached them that the Prince himself was on the *Prince de Conti*. The two officers "got up in great hurry, got on their best clothes," and proceeded to the other vessel to pay their respects. The captain and all save one of the crew of the *May* were hastily sent back to their ship that nothing might hinder an immediate start. At two o'clock in the morning of the 20th Warren came on board the *May* to arrange for her ransom. He was "in Top spirits and seemed greatly elevated with his extraordinary success," and told the captain "plainly he had now got the Prince on board". A little later, "'twixt two and three in the morning 20th Curr^{t}, the wind being very fresh at North," the French ships set sail.[2] They returned to France along the route by which they had come to Scotland, and successfully avoiding Admiral Lestocq's squadron on the coast of Brittany, arrived at Roscoff, near Morlaix, on September 29.[3] "Nothing," wrote Albemarle to Newcastle, "is to me a more convincing proof of the disaffection of that great part of the Country than that of his [Prince Charles's] lying so long concealed amongst those people, and that he should be able to elude our narrowest and most exact searches, and at last make his escape notwithstanding the great reward offered to apprehend him."[4]

Mr. Blaikie, in a critical note,[5] has described the uncertainty as to which of the two French ships was the one which bore

[1] Pp. 279, 264. [2] P. 280.

[3] *Scots Magazine*, vol. xi., p. 639. The Prince's route on his return to France is shown upon a map facsimiled in *The Rising of* 1745, p. 22. A rumour obtained some currency, that the Prince had been captured before reaching France. *Cf.* p. 294.

[4] P. 289. [5] *Cf.* his *Itinerary*, p. 102.

Prince Charles from Scotland. That question can, however, be solved. In the small hours of September 20 the Prince wrote a short letter to Cluny Macpherson: "Thanks to God I am arrived safe abord ye vessell, which is a verry Clever one, and has another alonst with her as good, ye first is of 36 Guns and ye second 32".[1] It is so far clear that the Prince was then on board the larger of the two vessels. There are in these volumes three statements as to the relative equipment of the two ships, and all concur in assigning the heavier armament to the frigate *L'Heureux*. In a letter of intelligence to Lord Albemarle, dated September 22, the *Prince de Conti* is described as carrying twenty-two, and her consort twenty-six carriage guns.[2] The Edinburgh tailor, Donald Macdonald, who was on board the ships, makes a similar statement.[3] Lachlan Maclean, the captain of the *May*, who had equal opportunity for judging, gives the *Prince de Conti* twenty-four 9-pounders and twenty swivel-guns, and to *L'Heureux* thirty-four 12-pounders and twenty-four swivel-guns.[4] On the other side must be placed Lord Albemarle's statement in a letter to Newcastle on October 27[5]: "the Pretender's Son went on board the Conti of Twenty two guns in company with a larger ship of Thirty guns on the 19th of the last month and sailed the morning following". Albemarle's authority was Lachlan Maclean's letter to Macleod of Talisker,[6] which Albemarle had forwarded to Newcastle on October 8. Maclean's statement makes it clear that the Prince went first on board the *Prince de Conti*, and that Colonel Warren at once put off from *L'Heureux* to receive him. There can be little doubt that he brought the Prince back with him to *L'Heureux*, and that Charles sailed in her. She was the larger vessel, and had on board the commander of the expedition; while the transference

[1] *Rising of* 1745, p. 219. [2] P. 267, *supra*. [3] P. 271,
[4] P. 279. [5] P. 295. [6] P. 280,

from her to the *Prince de Conti* of Young Clanranald and other fugitives, a fact already noticed, suggests that the frigate had been prepared and was reserved for him on whose behalf especially the expedition had been planned.[1]

With the Prince safe on board *L'Heureux*, Warren was resolved to run no further risks by delaying his departure. In consequence, several of the Prince's followers who hoped to find safety on board the French vessels were disappointed.[2] John Machevoul, who perforce accompanied Prince Charles to Lochnanuagh, mentions "Cameron of Torcastle, Stuart of Ardsheal, Clunie McPherson and others who were expected to get there".[3] Writing to Newcastle on October 15, Albemarle correctly added Young Clanranald to the list of those left behind.[4]

The Spirit of the Highlanders, 1746-1748.

The flight of Prince Charles from Scotland in September, 1746, was far from extinguishing the hopes which had been centred in him. If one may establish a modern parallel, the situation was not dissimilar from that created by the flight of the Boer executive from the Transvaal after the occupation of Pretoria in 1900. Prince Charles, like ex-President Krüger and his *entourage* later, had withdrawn confessedly to secure European intervention. In both cases the belief was general that such intervention would be secured, and so long as the hope existed, those who had fought for Prince Charles confidently awaited the opportunity to

[1] Some weeks after the Prince's departure two French ships made their appearance at Eigg, and learning that the Prince had left Scotland, offered to "carry any Rebell officer to France for Five Pounds". *Cf.* p. 299.

[2] The lists of those who accompanied the Prince to France printed in this volume are by no means reliable.

[3] P. 293.

[4] P. 289. He adds the names of Gordon of Glenbucket and Lord Lewis Gordon. Both of them, however, were with the Prince when he paid a State visit to the French Court shortly after his arrival from Scotland. *Cf. The Rising of* 1745, p. 221.

again take the field. Dependence upon French aid had always been the settled though fragile policy of the Scottish Jacobites since James the Seventh sought the protection of Louis the Fourteenth. The continuance of war between England and France was a fundamental necessity if that policy was to be productive. Hence until the definitive peace of Aix-la-Chapelle in 1748 the Highlanders were buoyed up with sanguine expectations of French succours, and were ready to take advantage of them. True, constant disappointment tended to damp their ardour as the year 1747 ran its course, but the success of the French at Laufeldt and Bergen op Zoom again revived them. Again they flickered, and were finally extinguished when the Peace of 1748 closed the door for ever upon European intervention.

Prince Charles's last message to the clans declared his belief that a brighter day would dawn which should see his return to them. "My lads," it ran (if one may credit the informer), "be in good spirits, it shall not be long before I am with you, and shall endeavour to make up for all the loss you have suffered. I have left money for your subsistence that are officers, and have also left money to provide meal for all the private men."[1] Cluny Macpherson, besides the ungrateful task of distributing the Loch Arkaig hoard, was expressly enjoined "to keep up the spirit of the Highlanders as much as possible by intimating to every particular the encouragements . . . expected and promised by France, and to let them know that the Pretender's only view in going was to hasten these succours". Cluny's asseverations were the more likely to carry weight since he "staid behind when he had an opportunity of going off".[2]

The reports of spies and others in these volumes sufficiently prove that the hopes raised by the Prince's message remained very vivid in the minds of his followers. Little more than

[1] P. 303. [2] P. 291.

a month after Prince Charles's departure Albemarle received information from Lochaber, that "ev'ry one of the common rebels are made believe there will be a grand invasion very soon, and that it is to be at many places at the same time; that Lochiel is to conduct those intended for this country, and that the Pretender himself at going off promised this".[1] From Appin a few days later (October 29) came the intelligence that the people there were "in very high spirits, in expectation of great things from France".[2] Patrick Campbell, who was employed by Cumberland and Albemarle to procure information, made an extended tour through the Highlands in the latter part of October, 1746. He reported the Macleans as being "full of the expectation of a landing from France, and found by them that they would be ready to rebel whenever they had the opportunity". The Macdonalds and Camerons were "all of the same mind with the clan of MacLean". The Camerons, in particular, were "still in the hills with full arms," and were supported by Cluny's treasure.[3] In Arisaig and Knoidart Campbell observed "the same disposition of rebellion" and "great plenty of arms" among the inhabitants, who "had great assurances of a landing from France in the spring". Even the officers of the disbanded Independent Companies in Skye were in a discontented frame of mind. The Grants of Glenmoriston also were "full of the spirit of rebellion," and in the Braes of Atholl alone Campbell found an exception to the generally prevalent spirit of disaffection.[4]

On December 20, 1746, Albemarle forwarded to the Duke of Newcastle another disquieting report.[5] His informant declared that "he never knew the Lochaber Rebels in greater hopes". Those of Moidart and Arisaig were equally restless. All of them were fully convinced that foreign assistance would reach them before March, 1747, and "the greatest part of them"

[1] P. 299. [2] P. 300. [3] P. 303. [4] Pp. 334 *et seq.* [5] P. 345.

were "more ready now to join in any desperate attempt than ever". They still had arms in plenty, and French gold was circulating alluringly among them. Even those who had surrendered were now appearing "openly in arms, except when they apprehend some of the King's Forces are near them".[1]

The winter of 1746-47 pressed heavily upon the devastated Highlands. "The Inhabitants of the Rebellious Countries begin to be in misery for want of Provisions," wrote a correspondent to Albemarle on February 2, 1747. "Those distressed creatures, however," he added, "are fed with vain hopes of sudden succours from France, which will be the Constant Cant while we are yet at war with that Nation."[2] That the encouragement offered from France was honest may be shrewdly questioned. If it heartened the Highlanders, it aided France still more by preventing a serious reduction of the military establishment in Scotland, which otherwise would be freed for service on the Continent.[3] As the opening of the campaign of 1747 approached, the rumours of French invasion became more definite. A letter of February 5, 1747, to the Sheriff-Depute of Argyllshire informed him of the arrival in Scotland of a bastard son of Cameron of Torcastle, who had "brought the Pretender's adherents agreeable intelligence, That he is at Sea or very soon to be". Meetings of the disaffected chiefs had been held in Appin, and the prospect seemed so encouraging that Ardshiel, who before the courier's arrival had been "extremely anxious of embracing the first opportunity of going over seas," had abandoned his intention.[4] Albemarle forwarded his information to Newcastle on February 9, and two days later (February 11) followed it with a report from one who had travelled through the north-eastern Highlands. In Badenoch he found that all, "save a very few who never surrendered,"

[1] P. 346. [2] P. 365. [3] *Cf.* Enclosure ii., p. 365. [4] P. 367.

were living peaceably at home, but all of them were "fond of Rebellion and Expecting a Landing of the French upon the West Coast". They had arms in plenty, those they had surrendered being "only some rusty useless" ones. The Fraser country was quiet, but Jacobite agents were busy there, and "every one spiriting up another to a Rebellion in the Spring". The Mackenzies, "who openly spoke their minds," confessed that their arms were in readiness and themselves willing "to join the expected Landing of the French in the Spring". In Strathbogie and Aberdeenshire the same disposition was observed.[1] With this information Albemarle forwarded another letter of intelligence to Newcastle. "The general opinion" in the Highlands, the writer reported, "is that an invasion is intended this spring about Patrickmass; grounded upon a promise made or message sent the outstanding Rebels to that purpose." About one hundred of the Camerons were reported to be under arms near Loch Arkaig. In Appin there was "an unusual stir among the people," which, "with Ardsheill's change of measures, and their frequent meetings," suggested the conclusion that they were "hatching some mischief or other". It was even "whispered" that the French were "already, or soon will be, at sea".[2] On February 14 Albemarle forwarded the statement of a "Noted Rebel," who declared that about the middle of January, 1747, a French ship had landed arms in Eigg, and that Dr. Archibald Cameron, who had come over in the vessel, had had an interview with Cluny and Angus Cameron in Rannoch, as a result of which a further distribution of the Loch Arkaig hoard was to be made, with the assurance that the recipients "were to enter on full Pay by the first of March, and that there would be use for them soon after".[3]

Albemarle's budget of information was sufficiently disquiet-

[1] Pp. 370, 371. [2] Pp. 371 *et seq.* [3] P. 376.

ing. March, 1747, however, came in and went out with no appearance of the French invasion so generally anticipated. The spirits of the Highlanders, lately so buoyant, became correspondingly depressed, and Fletcher was able to report to Newcastle on April 25, 1747: "By letters from the West Highlands all is quiet there, and a good many of the common people, even the Camerons, have voluntarily taken the oath to the Government calculated to their taste, and say they think themselves bound, and are determined to act accordingly".[1]

Throughout the summer and early autumn of 1747 the same hopeful outlook continued. But with October the spirits of the Jacobites revived, encouraged to a great extent by the recent successes of the French at Bergen op Zoom. "The agents of that Diabolickal party," Fletcher wrote to Newcastle on October 4, "have turned more noisy and insolent." They openly alleged an alliance between France and Prussia in favour of Prince Charles, and believed his marriage with a Prussian Princess to be imminent. The Prince, it was asserted, had "for his Quotta agreed to furnish one Million in money and Ten thousand men with Transports and convoys &c.". "I do not think," Fletcher added, "that the Times ever had so bad an appearance in my remembrance."[2] The usual rumours were poured into the ears of the Government by its representative in Scotland. Lochiel was reported to have returned to Scotland, a story told to Fletcher's informant "by way of a great secret by a Jacobite who visits at Gask and other Gentlemen's houses in that neighbourhood". Lochiel, it was said, "had gone up into the Highlands and had dispersed part of that [Loch Arkaig] money and was preparing matters for the reception of a body of French Troops who are expected into the Country". A Jacobite, who

[1] P. 449. [2] P. 460.

had "been in three Rebellions and now is pardoned," was said to be pleasurably anticipating "sweet revenge on this and the other person who had acted as he thought a harsh part to folks in his way". The man was a member of the Strathearn Club.[1] "Whatever be the Cause," Campbell of Airds wrote to Fletcher on October 25, 1747, "it is certain the Disaffected to the Northward never were in greater Spirits or stronger expectations than at present. They impute to the late Storms that there was not a landing before now."[2] From a correspondent at Fort William on the following day Fletcher was informed of "Couriers going and coming 'twixt the Disaffected in this Kingdom and those abroad". Bishop Macdonald was expected, and the Jacobites generally were described as being "very much Elevated and in topp Spirits since the taking of Bergen-op-Zoom".[3] On January 28, 1748, Fletcher forwarded to Newcastle another batch of intelligence. The Highlanders were as confident as ever of France's intention to support "a second attempt and a better laid scheme" than that of 1745. "Something new is upon the Anvile," wrote Campbell of Airds, closely watching the Camerons; "an Invasion is not only looked upon as certain but at hand. A landing in England and Scotland is talked of at the same time, and all those who do not join [are] to be destroyed with fire and sword." "I heard several of them say," he continued, "that had they begun the last Rebellion in that way it had gone better with them."[4] Such rumours were not more fruitful of consequence than their forerunners, and the days of active Jacobite effort closed for ever when in April, 1748, France and England signed the Preliminaries of the definitive Peace of Aix-la-Chapelle.

[1] P. 465. [2] P. 469. [3] P. 470. [4] P. 525.

If the Highlanders were encouraged by hopes of French assistance, the French treasure stored at Loch Arkaig served a practical purpose in supporting them during a period of irksome inactivity. The treasure was brought to Borradale early in May, 1746, by two French vessels which successfully resisted the efforts of H.M.S. *Greyhound*, *Baltimore*, and *Terror* to capture them. It was landed in seven large casks, one of which was immediately stolen, it would appear, by the worthy Barrisdale.[1] According to Captain Lynch the money had been collected by an Irish priest named Butler "among the Popish Churches abroad".[2] It amounted at first to about £40,000, and Prince Charles seems to have wished to take what remained of it in September with him to France. The proposal was debated at "a long Council of War," and the clansmen and their Chiefs, as might be expected, disliked the proposal.[3] The gold therefore remained in its hiding-place at Loch Arkaig. When the Prince left Scotland it amounted to about £20,000.[4] A brief note to Cluny giving directions as to the immediate distribution of a portion of it was written by the Prince from on board *L'Heureux* on September 20, 1746, within an hour or so of his departure.[5] As to the bulk of the money Cluny's instructions were to make as little drain upon it as possible, at least until he was assured that there was no hope of Prince Charles's return. Cluny's task was by no means an easy or a pleasant one, and the niggardliness with which he distributed the money produced considerable ill-feeling between those who received and those who were denied it.[6]

Cluny's Treasure.

The earliest definite information as to the landing and hiding-place of the treasure was given by the Edinburgh tailor,

[1] Pp. 64, 228, 272. [2] P. 273. [3] P. 338. [4] P. 337.
[5] The letter is facsimilied in my *Rising of* 1745. *Cf.* p. 338, *supra*. [6] P. 372.

Donald Macdonald, who on September 28, 1746, made a declaration at Edinburgh that Young Clanranald had told him the money was hidden at the foot of Loch Arkaig under the charge of Dr. Archibald Cameron.[1] Cameron, however, had accompanied the Prince to France eight days before, and Cluny took over the invidious duty.

On October 10 one of the first distributions of the treasure was made, when "every private man who did not deliver up his Arms in Appin and neighbouring countries received five pounds sterling reward, and them that were in the station of Officers in proportion". Stewart of Ardshiel and Cameron of Torcastle, Lochiel's uncle, were the agents whom Cluny employed.[2] A month later Patrick Campbell upon his tour of *espionage* found "plenty of French gold upon all his travells with the people, and most with the Camerons".[3] Cluny's instructions were actually known to Albemarle in a letter sent to him on November 4, and by him forwarded to Newcastle on November 15. His informant—Patrick Campbell one assumes—was even able to state the amounts apportioned to the participating clans, with the further information that the balance of the £20,000 was "to be distributed among the greatest sufferers, at or before the first of February [1747], in case no relief comes to them before that time".[4] Beyond the sums specified by the Prince at his departure, Cluny, true to his instructions, had apparently made no further distribution when Albemarle wrote to Newcastle on December 6. The clans, according to Albemarle, seemed "somewhat dissatisfied at the sparingness" with which the money was being distributed. Albemarle, on his part, was resolved, if possible, to stop any further doles. Cluny had eluded capture, but Albemarle was in greater hopes of securing Cameron of Torcastle, Cluny's "principal agent in the distribution of this Cash".[5]

[1] P. 273. [2] P. 300. [3] P. 304. [4] P. 312. [5] P. 326.

Patrick Campbell's detailed report informed Albemarle of others concerned in the distribution of the treasure. The Camerons of Clunes, Glenpean and Fassefern were therein described as Cluny's co-trustees. Mrs. Macdougall, the wife of an Edinburgh wine merchant, and sister of Murray of Broughton, was also mentioned as having received a considerable portion of the money—nearly £4,000—which Murray had left with Mrs. Menzies of Culdairs. From Haliburton, a French officer, Mrs. Macdougall was said to also have received £1,300, part of which had been given by her to the Macgregors "for subsistence".[1] On December 23 she was arrested.[2]

Albemarle's failure to secure Cluny and others engaged in the management of the Loch Arkaig hoard was to some extent compensated for by the jealousies which its distribution caused among the clans. "They often quarrel among themselves about the division, even the length of Daggers drawing," wrote an informer on December 7, 1746.[3] In the following February Albemarle learnt that the "McDonalds of Clanronald's Family received no part of the money left with Clunie McPherson, which occasions some Grudge and ill will betwixt them and the Clan Cameron, who, it seems, the McDonalds blame for their being so much neglected".[4] About the middle of January, 1747, however, encouraging rumours of a projected French expedition reached Scotland, and a further dole of a guinea was ordered "to each private man engaged in the Rebellion".[5] Again in October, 1747, in obedience to instructions brought over from France, all who had been excepted from the Act of Indemnity received money from Cluny, and Cameron of Torcastle and Stewart of Ardshiel received £100 each.[6] In December, 1747, the storekeeper at Fort William observed "a

[1] Pp. 337-38. [2] P. 349. [3] P. 346.
[4] P. 372. *Cf.* p. 527. [5] P. 376. [6] P. 469.

fresh Circulation of Lewidors among the Highlanders".[1] But the bulk of the treasure remained the source of endless bickerings among those for whose support it had been intended.

Schemes of Settlement.

The alarming nature of the rising of 1745 and the disaffection of the Highland tract throughout 1746 and 1747 demanded drastic settlement. Various schemes to that end are among the papers in these volumes. The first of them is an anonymous Memorial[2] which Albemarle forwarded to the Duke of Newcastle on November 15, 1746, as "worthy of your serious perusal". The author of it declared the Highlanders to be a people "who are naturally ingenious and tractable to such as they think have good designs towards them," and "could easily be made usefull members of society, and faithfull subjects to his Majesty King George". That their natural disposition was unable to display itself he attributed to specific causes: the tyranny of the Chiefs, "who behaved as absolute sovereigns"; the multiplicity of the cadet branches of the great families, who aped the policy and supported the authority of their superior; the insecurity of the tenants in their leases, who, besides, were "oppress'd with such a burden of services that they are little better than a kind of slaves"; the inculcation among the Highlanders of the "doctrines of hereditary indefeasible right" by "Popish priests, Nonjurant ministers, and schoolmasters"; the rarity of schools, institutions which the Chiefs disliked and discountenanced as likely "to undermine their authority, and rescue the people from their yoke"; the unwieldy size of the Highland parishes, "by which it happens that in many there are 5 ordinary places of Worship at a great distance from one another, under the inspection of one minister," so that "many thousands in the far Highlands do not

[1] P. 506. [2] P. 305.

hear sermon above four times a year, tho' they have no other means but the labours of their ministers to direct them in their duty to God or man"; the inadequate stipends of the ministers and the discouraging nature of their work, in consequence of which "many parishes have been planted with weak men, whereas the sagacious and cunning Highlanders would require men of parts, learning and discretion to deal with them"; the prevalence of organised larceny in certain territories, notably in Rannoch and among the Macdonalds and Camerons.

Such being the causes of the lawlessness of the Highlands, the author of the Memorial turned to his proposals for their reform. For the protection of the tenants he advocated the grant to them of leases "at least for 19 years, or rather for two lives," and the abolition of the personal services hitherto due to and exacted by the Chiefs. As to the Chiefs, he urged that every one who had not shown a good disposition towards the Government during the late rising should be deported and compelled to reside at least forty miles from his clan. To control the territories thus deprived of their Chief he proposed the appointment of "a baillie or chamberlain" in "every competent district". The new officials were to be well affected to the existing constitution in Church and State, able to speak Gaelic, and not to be of the clan among whom they were appointed to reside. The Bailie, who was also to be a Justice of the Peace, was to form a committee consisting of himself, "the minister, and two discreet men of the parish," who were "to make regulations for the good of the country" in all matters relating to the cultivation of the soil. The Bailie himself was to collect the tenants' rents, and "once or twice ev'ry year" he was to furnish to the proper authorities a list of "thieves, vagabonds, or idle persons" within his bounds. As representing dangerous and reactionary traditions the Roman Catholic priests

were recommended to be summarily and generally expelled from "Britain and the Isles thereto belonging".

The Highlands, purged of their disturbing elements, were to be submitted to influences which in time would work for their regeneration. The parishes were to be reduced to a workable size, so that every parishioner might have "access to hear sermon ev'ry Lord's day, and no place would breed up wild men, strangers to religion and society". The village schoolmaster was to be encouraged by a stipend of not less than "£10 ster., two acres of land and two cows grass, with a convenient house and garden". Schools were to be erected, and within a year of their completion every minister was to have "one discourse ev'ry Sabbaoth in English". Schools and sermon together would help to bring it about that "the Highland tongue would wear out in an age or two, and these people would not be barbarians to the rest of Britain". As to the minister, he was to be supported by an income of £60, added to "£5 ster. of the lands next adjacent to his house, rent free, besides the ordinary glebe allowed by law". In the larger parishes the stipend was recommended to be increased to £80.

For the erection of the proposed schools there was available the £1,000 granted annually by the King for the support of the Church in the Highlands. This sum was inadequate, the memorialist pointed out, and it would be necessary "that a voluntary subscription should be opened all Britain over, for all well disposed persons to contribute towards civilizing that deluded and miserable people". To superintend the allocation of the fund thus raised the appointment of a committee or committees was recommended, to come into existence before June 1, 1747, to consist of ministers and merchants nominated by the Lord Justice-Clerk, and to make their report to him. Pending the organisation of the scheme, its author recommended the

appointment of three ministers, to be settled at or near Inveraray, Inverness, and Dunkeld, and possibly a fourth at Aberdeen or Strathbogie. Their duty, it was suggested, would be to transmit monthly or more frequent reports to the Lord Justice-Clerk as to the disposition of the inhabitants of their districts, the movements of Jacobite emissaries, and "what they can learn worth while from the several corners". There is no further reference to this scheme in the papers printed in these volumes. One may conjecture that its author was Campbell of Stonefield, the Sheriff-Depute of Argyllshire, from whom Albemarle received occasional suggestions as to the measures best adapted for the pacification and settlement of the Highlands.

The winter of 1746 produced a plentiful crop of rumours as to the activity of the Jacobites and the anxiety of the Highlanders to avenge Culloden. In the spring of 1747 Fletcher deemed it advisable to point out to the Government the necessity for putting into action a severe and definite policy. Writing to Newcastle on April 17, 1747, he urged the devising of effectual measures whereby to establish the peace of the Highlands "upon a solid and lasting foundation". The banishment or punishment of "those we ought to get rid of," the disarming of the rest, and the encouragement of agriculture, manufactures and fisheries outlined his scheme. The Highlands would benefit, their "barbarity" be extirpated. Their Chiefs' authority, their language and distinctive dress would be removed, and idleness, "the present source of their poverty, Theift and Rebellion," would be prevented. In time that "barbarous part of the Island, hitherto a noxious load upon the whole," would become "our support and strength, by the produce of our Fisherys and Manufactures, and the great supply of men for our Fleet and Armys, to which the Genius of the Highlanders naturally lead them".[1]

[1] P. 447.

The disasters to the arms of England and her ally in the campaign of 1747, and notably the defeat at Laufeldt and the loss of Bergen op Zoom, acted as a tonic upon the drooping spirits of the Jacobites. On October 20, 1747, Fletcher wrote again to Newcastle to urge a strenuous policy. New commissions of the Peace were necessary, from which the Jacobites and their adherents should be rigidly excluded. In the county of Inverness and throughout the disaffected districts, where suitable Justices could not be found, he advised the appointment of officers of the Army. The list of Sheriffs-Depute also would require careful scrutiny.[1] Fletcher had already instructed the Sheriffs in the necessity for exercising their utmost diligence, and in particular for putting into instant operation the Act of 1746 for suppressing Nonjuring Meeting-houses.[2] On December 4, 1747, Fletcher forwarded for the consideration of the Government an exhaustive Memorial upon the Highlands, drawn up by himself and Lieutenant-General Humphrey Bland, the newly appointed Commander-in-Chief, with suggestions for their settlement. The scheme was boldly conceived, and involved no less than the purchase by the Crown of the territories of the disaffected clans. "The Foundation upon which the success of our Scheme depends," wrote Fletcher in a covering letter, "is the great Power that naturally and necessarily attends Property." When the Crown had become "Proprietor of so large a Tract of Lands possessed by Loyall subjects, there can be little Danger that the others can ever give any Disturbance to the Government," he explained.[3]

In their Memorial[4] Fletcher and Bland minutely detailed their proposal. The rental of the lands to be acquired by the

[1] P. 462.

[2] P. 463. The prosecution of Nonjurors is dealt with in another part of the Introduction, p. lxxiv., *infra*.

[3] P. 479.

[4] Pp. 480 *et seq*.

Crown they estimated at from £2,000 to £3,000 per annum, and "believ'd that most of the Proprietors would not be unwilling to sell them at a reasonable price". Their acquisition, joined to the Lovat and other forfeited estates, would "give the King the property of a Tract of Lands from the west to the East sea". For the proper development of the lands thus to be acquired, the authors of the scheme advised that emigrants should be attracted to them from England and "the Low and well affected Country of Scotland". One method they proposed as "pretty obvious," namely, the wholesale deportation of the out-pensioners of Chelsea Hospital to the new Crown territory. In addition to retaining their existing pension, it was suggested that leases should be assigned to them, at an easy rate, of as much land as they were able to stock. Similar terms would be offered to any lowlanders who might be willing to take up land. The leases, however, were to be subject to conditions which would ensure the existence of a loyal population within the hitherto turbulent districts. None but Protestants would be eligible. Attendance at the English school would be compulsory upon all the children of the district until they obtained a certificate of their ability to read and speak English. To the same end the reconstruction of the unwieldy parishes, the erection of schools, and the encouragement in particular of the linen manufacture, were advocated. Such measures could not bear fruit at once, and in the meantime it would be necessary to maintain an adequate military force at four or five stations in the Highlands, which could also undertake such public works as the making of roads. By such measures, the authors of the scheme ventured to prophesy, the late rebellion, "that was intended to overturn the present happy Establishment, will by its consequences procure great Strength to that excellent Constitution it was designed to subvert",

The scheme suggested by Fletcher and Bland appears to have been remitted to the Cabinet for consideration, and though it was far from being adopted in its entirety, it indicated at least some of the lines along which the reformation of the Highlands did in fact move.

The Nonjurors.

The autumn of 1747, as has been observed, presented to the Government's representative in Scotland a more critical period than any since the early and astounding successes of Prince Charles's Highland host. Energetic measures were called for, and were applied with particular vigour towards the nonjuring Episcopal clergy and their congregations.

The law relating to Episcopal Meeting-houses in Scotland[1] had been defined in the Act of Toleration of the tenth year of Anne's reign. By that Act the holding of Episcopal worship in Scotland and the use of the English Liturgy had been sanctioned, with the proviso that the officiating minister should have received his orders at the hands of "a Protestant Bishop," should have recorded his letters of orders in the Quarter Sessions of the locality in which his place of worship was situated, and should on or before August 1 next ensuing have taken the usual oaths. That he should pray for the Queen and Royal family was also enjoined.

The law so stated remained in force until the Act of 1746. In the interval the Hanoverian dynasty had replaced the last of the Stuart rulers, and as the preamble of the new Statute declared, a number of Episcopal congregations had been established, whose ministers "have never taken the Oaths to His Majesty or his Royal Father, or ever did in express words during the exercise of Divine Worship pray for His Majesty and the Royal Family,

[1] *Cf.* pp. 531 *et seq.*

By means whereof these illegal Meetings have greatly contributed to excite and foment a spirit of disaffection amongst numbers of persons in that part of the Kingdom against His Majesty's person and Government, which hath been one of the causes of the Wicked and unnatural Rebellion lately raised and carried on against His Majesty in favour of a Popish Pretender". The Act therefore directed that on or before November 1, 1746, the Sheriffs and Magistrates should cause lists to be made of all Episcopal Meeting-houses within their bounds, and that on or before September 1, 1746, every minister of an Episcopal congregation in Scotland should produce to the proper authority a certificate of his having taken the oath of allegiance to the reigning sovereign. After November 1, 1746, the authorities were empowered to close all Meeting-houses whose ministers had not complied with the Act. As to Episcopal ministers who entered upon their office and its duties after September 1, 1746, the Act made an alteration in their qualifications as defined in the Act of Toleration of Queen Anne. Such ministers were required to produce and to register their letters of orders as before, but their orders would not be deemed valid unless they had been given by a "Bishop of the Church of England or of Ireland". In other words, ordination at the hands of a Scottish Bishop was not accepted as a legal qualification for the exercise of an Episcopal charge in Scotland.

The new Act received the Royal assent upon August 12, 1746.[1] Upon October 17, 1747, the Lord Justice-Clerk directed the Sheriffs to put it in operation and to transmit to him "constant accounts" of their proceedings.[2] The first conviction under the Act took place at Perth against the Rev. George Semple, the minister of an Episcopal congregation in that town. It is clear that there was upon the part of the

[1] P. 533. [2] P. 464.

authorities a disposition to treat known offenders with as much latitude as possible. The Sheriff of Perth had required a significant reminder of his duty before moving in the matter,[1] and though Semple was convicted,[2] the magistrates were loath to proceed further against the members of his congregation.[3] On January 4, 1748, Fletcher ordered the Sheriff of Aberdeenshire to proceed against the ministers of two Meeting-houses in that county.[4] These persons, though they had taken the required oaths, had failed to record their letters of orders before opening their Meeting-houses.[5] Their failure in the latter requirement appears to have been due to the fact, that between the passing of the Act on August 12, 1746, and the following September 1, there had been no meeting of Quarter Sessions in the county, nor was there until March, 1747.[6] Fortified by the opinion of "Council learned in the Law" they had continued to conduct public worship until the Sheriff, in obedience to Fletcher's directions, began to make preparations for their prosecution. Thereupon they agreed to close their Meeting-houses, and Fletcher would appear to have been in favour of the abandonment of further proceedings against them.[7] In Kincardineshire three convictions were obtained against the Rev. Alexander Greig of Stonehaven, the Rev. John Petrie of Drumlithie, and the Rev. John Troup of Muchalls.[8] The Sheriff, however, conducted the matter in such an evidently half-hearted manner as to call upon him the censure of his superior.[9]

Glengarry.

Some few facts come to light in the papers in these volumes regarding the movements of some of the more prominent of the Prince's supporters. Of particular interest is an information laid against John Macdonell of Glengarry. He

[1] *Cf.* Fletcher's letter to him of December 11, 1747, *infra*, p. 497.
[2] The account of his trial is on pp. 507 *et seq.* *Cf.* p. 523. [3] *Cf.* pp. 515, 516.
[4] P. 517. [5] P. 529. [6] P. 533. *Cf.* p. 518. [7] P. 530.
[8] P. 548. [9] *Cf.* pp. 520-23.

himself had refrained from joining the Prince. His younger son Angus had led the clan until his death at Falkirk, and his heir, the notorious "Pickle," had been confined to the Tower for his intrigues with the Jacobites abroad.[1] The conduct of his sons threw suspicion upon their father, but it was a despicable act of treachery which caused his arrest and imprisonment. On July 16, 1746, the unprincipled Barrisdale and six other Macdonells subscribed and forwarded to Albemarle an indictment of their Chief.[2] Its purport was that they had joined the Prince under pressure from their superior. Incidentally they accused him of having received money from the Prince to raise his clan, though he himself, "contrary to his faith and promise," had absented, leaving the ingenuous Barrisdale and the rest to raise their followers at their own expense. They asserted that though Glengarry had never taken the field, he had executed the "Severest Cruelties" upon those of his clan who ventured to return to their homes when desertion began to deplete the Jacobite army; that he had remitted his tenants' rents—drawing their equivalent from the Prince's coffers—and by such measures kept his regiment "the fullest and the best in the field over what they travelled in England and Scotland". They asserted that to the action at Culloden "there was neither young or old, such as formerly [were] left at home as not fit for long marches, but he forced out," and that after his clan surrendered, he requested from Murray of Broughton a sum of money to enable him to still keep a body of men on foot. Though Fletcher regarded the information as "another fetch" on Barrisdale's part "to save his Sweet Bacon,"[3] Glengarry was apprehended on August 4, 1746.[4] He was committed prisoner to Edinburgh Castle on the following August 23, and did not recover his liberty until October, 1749.[5]

[1] P. 86, note. [2] P. 405. [3] P. 87.
[4] P. 407. [5] P. 86, note. *Cf.* p. 288.

Lochiel.

Regarding Lochiel, Albemarle in a sentence describes the high appreciation which he inspired even among his foes. In spite of many rumours of the Prince's escape, Albemarle was finally convinced that he had indeed gone when he learnt that he had taken Lochiel with him; "for I never doubted of his affection," he told Newcastle,[1] "the best, nay the only good man, zealous for his Interest in this Country, therefore [I] could not believe he would leave him to shift for himself". After Lochiel was safely on his way to France, one of Albemarle's anonymous informants gave him an account of an interview with Lochiel and Cluny some time in August, 1746. "I advised Lochiel to surrender himself to you," wrote Albemarle's correspondent,[2] "but the other [Cluny] opposed it." Soon after, Lochiel was summoned to the spot where the Prince was lurking, but being lame, Lochgarry and Dr. Cameron went in his stead. On August 27 they found him in the Braes of Achnacarie. Three days later (August 30) they brought him to Lochiel in Benalder. The Prince seemed still desirous of calling together his followers "in order to procure their peace or die sword in hand". Both Lochiel and Cluny scouted the idea as "a Don Quixote Scheme," and did not hesitate to tell the Prince, "tho' they should be willing, that it was impossible to raise one man". Rumours of Lochiel's return to Scotland in 1747 were fairly persistent. He had not been a month in France when his approaching return at the head of a French force was spread abroad.[3] Again, in October, 1747, he was said to have landed at Peterhead and to have gone to the Highlands to prepare for the expected but phantom French levies.[4] The story was contradicted,[5] but it was again revived, and in November he was declared to have lately arrived in Lochnanuagh in a forty-gun French ship.[6]

[1] P. 263. [2] P. 282. [3] P. 299. [4] P. 465. [5] *Cf.* pp. 470, 474. [6] P. 478.

To the Government, Dr. Archibald Cameron was even more a stormy petrel than his brother, the "gentle Lochiel". He, too, had accompanied Prince Charles from Scotland. But if the intelligence transmitted to the Government may be credited, he acted as the chief agent between the Prince in France and the Highland Jacobites so long as the hope of French intervention remained. Early in December, 1746, he was expected from France with "good tidings".[1] In February, 1747, there was "some talk" that he had arrived,[2] and had had an interview with Cluny Macpherson and Angus Cameron, whom he had assured of the imminence of a French invasion.[3] On the following April 10 Fletcher had "certain intelligence" that Cameron had landed and was on his way to meet Cluny in Badenoch.[4] In October, 1747, he was again reported to have had an interview with Cluny and others entrusted with the distribution of the Loch Arkaig treasure,[5] and though from other quarters doubt was thrown upon the truth of the rumour, it revived again in November, with the added circumstance that Cameron had landed in Lochnanuagh in order "to prepare the Highlanders for a second Insurrection".[6] A final note of his movements reached the authorities in January, 1748, when he was declared to have returned to France "in Harvest last".[7]

Dr. Archibald Cameron.

Barrisdale's treatment of Glengarry has already been mentioned. The man was "a Rogue," and so Albemarle described him.[8] He had made his submission to Cumberland in June, 1746,[9] and had secured a protection from the Duke—an understanding that he was to make himself useful may be assumed. The protection was, however, withdrawn by

Barrisdale.

[1] P. 326. [2] Pp. 368, 373. [3] P. 376. [4] P. 443. *Cf.* p. 448.
[5] P. 469. [6] P. 478. [7] P. 526. [8] P. 263. [9] P. 125, note 4.

Cumberland "upon the shortcomeing of his [Barrisdale's] proposed merite".[1] The circumstance probably inspired his attempt to shelter himself behind Glengarry. (His information was written on July 16, just two days before Cumberland left Fort Augustus on his return to England.) The man's audacity was boundless. Within a few days of his indictment of Glengarry he was, it seems, actually in the Prince's company.[2] Shortly after, he was endeavouring to make his peace with Albemarle at Fort Augustus. He was also corresponding with Lord Loudoun, who before August 18, 1746, had received two letters from him "of no great import".[3] Albemarle, however, before he left Fort Augustus on August 13, had given orders to Loudoun to send parties into Barrisdale's country in Knoidart and to effect his capture,[4] and by August 18 the order had been put into execution.[5] Captain George Monro of Culcairn, whose murder at Loch Arkaig is elsewhere related,[6] was sent on that service.[7] Barrisdale was also being hunted from another quarter. On August 23 H.M.S. *Furnace* arrived at Bernera and communicated Major-General Campbell's orders that Barrisdale should be secured. The same evening an officer and thirty-six men were despatched to Knoidart. Upon their arrival at Barrisdale's house they were gravely informed that he was not at home, and had "gone to Fort Augustus by Lord Louden's order"![8] Barrisdale, in fact, had "made his escape with his son in a Boat," and had gone "Southward along the Coast".[9] The attempt to capture him must have convinced him that his credit with the Government was entirely exhausted.[10] His flight south-

[1] P. 87. [2] P. 38. [3] P. 125, note 4. [4] P. 213.
[5] P. 126. [6] P. 216. [7] P. 214.

[8] P. 190. Captain Fergusson, of H.M.S. *Furnace*, denied that he had received or conveyed orders from Campbell to apprehend Barrisdale, whose protection from Albemarle had not then expired. *Cf.* his letter, p. 219.

[9] P. 233. [10] The narrative above seems to confirm my conclusion in note 2, p. 272.

ward along the coast must have given him early intelligence of the opportune arrival of the French ships *L'Heureux* and *Prince de Conti*. The vessels entered Lochnanuagh on September 6, and a week later (September 13) Barrisdale and his son went on board *L'Heureux*, and "after some Hours Stay" were transferred to the *Prince de Conti*.[1] Next day Barrisdale left the ship and returned to his house, "about Twelve Miles from the place where the Ships lay, in order to Settle his affairs". His perfidy, if not fully known, was shrewdly suspected. The theft of one of the casks containing the French treasure was attributed to him. It was already believed, though Young Clanranald could not credit it, that "he had undertaken to betray and deliver up" the Prince. His incarceration, should he return, was already spoken of among his associates on board the ships.[2] Ignorant of the fate awaiting him, Barrisdale returned to Lochnanuagh. On September 20 he sailed with Prince Charles for France. One reads with satisfaction that this Judas of the party and his son "were put in irons in close confinement by the Young Pretender's order as soon as they went on board".[3]

Cluny's doings in connection with the Loch Arkaig hoard, so far as they are illustrated in these volumes, have already been described. His death at Clifton skirmish appears to have been reported in the Highlands,[4] and with equal inaccuracy his escape with Prince Charles in September, 1746, was asserted.[5] After the Prince's departure, Cluny, as an informer gathered, "relying upon the Strength and attachment of his Clan, who are all united to him, ventures to

Cluny Macpherson.

[1] P. 279. [2] P. 272.

[3] P. 305. In November, 1747, there was a rumour that Barrisdale had returned to Scotland. *Cf.* p. 478.

[4] P. 261. [5] Pp. 241, 266, 268, 280.

sculk among them, and Donald McPherson of Breakachy keeps close along with him. They stay at the side of Locherich, but venture to go into Badenoch, and are often at Breakachy's house."[1] His capture was particularly desired by the Government.[2] In February, 1747, Albemarle had secured "a Noted Rebel" to whom he had given a protection, who held out hopes "of being the means of securing Clunie McPherson," and set out from Edinburgh on February 15 with that object.[3] In April he reported that he had "some accounts of Clunie" and was "just going off upon further information towards North".[4] Cluny, however, continued at large.

Lord Lovat.

The obtaining evidence against Lovat appears to have given the authorities in Scotland considerable trouble. On October 7, 1746, the Duke of Newcastle directed Fletcher to procure evidence, an order which Fletcher had already forestalled, expressing the hope "that we shall be able to collect more than enough to do his [Lovat's] business".[5] The task was entrusted to Lord Loudoun and Rose of Kilravock, who found it difficult to induce witnesses to come in, and as difficult to get anything out of those who volunteered evidence.[6] At length, in February, 1747, Fletcher was able to give directions for the pertinent witnesses to be sent up to London.[7] They, or many of them, went with considerable dislike to the journey, but on February 23 all except four of those required set out from Edinburgh. "I prevailed with such as could post to proceed with the utmost despatch," writes Fletcher to Newcastle, "but none of them are very good horsemen; but however, six of them have undertaken it, and the other six, mostly weak, old and

[1] P. 291. [2] P. 468.

[3] P. 374. The "noted rebel" appears to have made himself otherwise useful. *Cf.* p. 433. He was the "J. D." whose examination is printed on p. 376.

[4] P. 446. [5] P. 287. [6] *Cf.* Loudoun's letter, p. 355. [7] P. 430.

infirm, with the help of post chaises, are to make what haste they can."[1] There appears to have been at first some idea of putting Lovat upon his trial before a Grand Jury of Inverness. Both Fletcher and the Lord Advocate adduced strong reasons for doubting whether the Government would secure a verdict in that county, and the proposal was abandoned.[2]

The Master of Lovat.

Lovat's son, the Master, surrendered at Fort Augustus on August 13, 1746.[3] On August 10 he had addressed a letter to Loudoun from Calgary.[4] It has the true Lovat ring: he was weighted with a "just Sense" of his "folly," and if "the Error of my youth is pardond, it shall be the worke of my old age to attone for it". He had intended to surrender to Cumberland, but the Duke's "sudden departure" prevented him. He was encouraged by Lord Albemarle's "Character and Generosity" to surrender to him, "especially as Lord Loudoun is next in the Command". To Loudoun, after his surrender, he talked "as if he was very sensible of the Crime he had committed," and managed to convey the creditable impression that but for a fear lest he should be called upon to give evidence against his father, he would have surrendered earlier.[5] Writing a few days later (August 18), Loudoun was able to report that Fraser showed "great remorse and repentance for his past behavior," and that his anxiety to reach Fort Augustus before Albemarle left had alone prevented him from bringing with him "several people who Acted as Officers among the Rebells". Pending Albemarle's instructions Fraser was confined at Fort Augustus.[6] On November 12, 1746, he was removed.[7] On November 22 he arrived at Leith,[8] and was

[1] P. 434. *Cf.* pp. 432, 433. [2] *Cf.* their letter, p. 421.

[3] P. 110. In a later letter Loudoun gives the 14th as the date of Fraser's surrender. *Cf.* p. 125.

[4] P. 89. [5] P. 110. [6] P. 125. [7] P. 90, note 2. [8] P. 316.

confined in Edinburgh Castle. Writing to the Duke of Newcastle on December 20, 1746, Albemarle suggested the advisability of transferring Fraser to London.[1] He remained at Edinburgh, however, until the summer of 1747. On August 7, 1747, Newcastle directed that owing to his ill-health he should be transferred to Glasgow on parole.[2] On August 12, 1747, Fraser executed an undertaking "not to stir out of the limits" of that town "without his Majesty's Express permission for that purpose," and three days later (August 15) he proceeded to Glasgow.[3]

Aberdeen and the Rebellion.

Of events in Aberdeen during the progress of the rebellion some interesting details are furnished in two letters[4] of John Thomson, an officer of the Customs at Aberdeen, and a vigorous anti-Jacobite. Thomson was in Caithness when the news of Prince Charles's arrival in Scotland (August, 1745) reached him. On his return to Aberdeen he made it his business "to visit as many of the Gentlemen and Clergy" as he could in the counties through which he passed, and stimulated them to exert themselves on behalf of the Government. He reached Aberdeen a few days before Sir John Cope arrived there on September 11. The Prince's success in pushing past Cope southward towards Perth had filled Aberdeen with dismay. Even those well affected to the Government were of opinion that upon Cope's departure—he sailed for the Forth on September 15—it would be futile even to endeavour to defend the town against attack, since it was "open and without Walls," and many of its inhabitants were Jacobites. Thomson therefore induced Major Caulfield and Captain George Monro of Culcairn to represent the position of affairs to Cope, who insisted upon the delivery to him of the town's military equipment, which con-

[1] P. 345. [2] P. 453. [3] P. 454. [4] *Supra*, pp. 144-49, 159-61.

sisted of twelve cannon and three hundred stands of arms. A week after Cope's departure the news of his defeat at Prestonpans reached Aberdeen. The Prince's supporters at Aberdeen were thereby encouraged to openly declare themselves. They "began to appear in Arms every where, and opened and examined the Letters to and from Edinburgh; so that the well affected had no intelligence by the Posts, especially to the north of Aberdeen, but what came through the Rebels Hands". To the supporters of the Government the outlook continued gloomy until the end of September, when a ship from Newcastle put in at Aberdeen and brought intelligence of the arrival of troops from Flanders to stem the further progress of the rebellion, good news which Thomson at once forwarded to Sir Harry Innes at Elgin and to Duncan Forbes at Inverness. Thomson's activity was known. His correspondence with the Government's agents in the North was suspected, and he was threatened with death by his Jacobite fellow-townsmen should their suspicions be confirmed; but, says the worthy man, "that did not hinder me from carrying on my Correspondence as formerly". Thomson's pertinacity soon involved him in serious danger. Early in October, 1745, a ship arrived at Montrose with arms and ammunition for the Prince's army. It was followed by another which landed its cargo at Stonehaven. Of the first Thomson sent information to H.M.S. *Fox*, and of the second to the *Hazard*, sloop, and H.M.S. *Glasgow*. In consequence he narrowly escaped capture. Captain David Ferrier, the Jacobite Governor of Brechin, with the master of the Stonehaven vessel, came over to Aberdeen, raided Thomson's lodgings, and would have caught him had he not got out "at a back Door whilst they were at the outer-Gate". Shortly after, Lord Lewis Gordon arrived at Aberdeen with a commission from Prince Charles to act as Lord Lieutenant of the County. Thomson at

once promoted a loyal "Association," and induced a round score of sympathisers to join him. The fraternity approached the Earl of Loudoun with a request to send to Aberdeen six or seven hundred of the Independent Companies to second the efforts of the three hundred loyalists whom the "Association" was confident of raising. Loudoun, however, was unable to accede to Thomson's request, "the Independent Companys not being then completed". Thomson at length found it advisable to withdraw from Aberdeen. He left the town on November 3, 1745, having been "certainly Informed that there was a particular Order come from the Young Pretender" for his arrest. He narrowly escaped capture on his journey towards Inverness, for David Tulloch, "a Rebel officer," and others came up with him at Elgin, captured his horses and baggage, and followed him to Forres.

From distant Inverness Thomson continued to keep a watchful eye upon Aberdeen. The spirits of the disaffected there and elsewhere in the North were vastly raised by the landing of Lord John Drummond's contingent on the eastern coast on November 22, 1745. They numbered no more than about eight hundred, but exaggerated and discouraging reports of their strength were spread from Aberdeen. Thomson satisfactorily discounted them by sending his servant thither to make enquiries. He also accompanied the Laird of Macleod on the expedition which led to the skirmish at Inverurie on December 23. Thomson, who lost his belongings in the action, infers that had his advice been followed, the result might have been less satisfactory to the Jacobites—reticence is not numbered among the good man's virtues. He became thenceforward, he declares, a man marked for vengeance should ill-fortune have delivered him to those whom he had so often circumvented. After further adventures Thomson was enabled to return to

Aberdeen in March, 1746. He was attached to Cumberland's army as intelligence-officer until after the Battle of Culloden on April 16. When Lord Ancram proceeded to Aberdeen soon after, Thomson attended him there, and used his opportunity to wipe off old scores against some of his opponents in the town.[1]

Varia.

Other matters upon which the papers in these volumes shed light must be merely referred to.[2] The preparation of evidence for the trial of the Jacobite prisoners at Carlisle is described in considerable detail in the letters of the Lord Justice-Clerk. An account of the murder of Captain George Monro of Culcairn is given by eye-witnesses. There appears to have been a good deal of difficulty in identifying his murderer. The strenuous Jacobitism of Lady Lude, and the methods by which she forced out the Robertsons, are amusingly detailed in the evidence against her. Some details of Prince Charles's stay at Blair Atholl, Lude and Dunkeld are given therein. There is also a letter of Sir Alexander Macdonald of Sleat to Old Clanranald giving the information which had reached him regarding Prince Charles's bold advance into England in the autumn of 1745. The tone of it certainly justifies the suspicion with which he was regarded by the Government.

[1] It was he who laid information against the Aberdeen merchants Nicol and Walker, on which Lord Ancram summarily acted. *Cf.* p. 109, *supra*.

[2] The Index is a sufficient guide to the subjects indicated in this paragraph.

APPENDIX.

CORRESPONDENCE OF THE LORD JUSTICE-CLERK.

1746-1748.

APPENDIX.

CORRESPONDENCE OF THE LORD JUSTICE-CLERK.

1746-1748.

I.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edin^{r} 2nd July, 1746.

My Lord Duke,

I had the honour to acquaint Your Grace on the 29th June that the Transports which carried over the Hessians[2] were in view, and they arrived that night and next morning in the Road of Leith; as I cannot detain the Messenger, I beg leave to enclose copys of Sr Everard Fawkeners Letter to me and my answer, to which I beg leave to refer, and only add that I have the Honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 5. by Brettel.

[1] *S. P. Scotland, Geo. II. Bundle* 33. *No.* 30.

[2] *Supra*, p. 4.

(*Enclosure I.*)

THE LORD JUSTICE-CLERK TO SIR EVERARD FAWKENER.

Edinburgh, 30th June 1746.

Sir,

Before I had the Honour of His Royal Highness's Commands by yours of the 26th to be assistant to Major Crawfurd in procuring Transports for three Battalions of foot[1] I had notice of the arrival of the Transports which carried over the Hessian Troops, and had sent for Mr Thames in order to send to you an account of all particulars by Express when Major Crawfurd delivered me your letter I kept him till Mr Thames came, and I cannot omit observing how Critically these Transports arrived to be subserviant to His Royal Highness's Commands. I hope greater things shall proceed the same way.

Mr Thames says that Captain Barker received orders to return with the Transports to the Firth of Forth without distinction, and therefor the whole are returned. They left Williamstadt Tuesday last.[2] That it will take about the half of these Transports to carry over conveniently the three Battalions with their horses. That there are forrage and provisions aboard the whole Transports enough for this particular service, and has no doubt of any thing but the Beer, which he is to taste this night and to-morrow, so that he will be ready to take the Troops on board in six days.

The Gibraltar, who comes with the Transports, is not yet got up to the road of Leith and is the only ship of War here. The Bomb was ordered for the River, and Captain Knowler with the Bridgewater sailed to the Northward upon the fleet being in sight of the Coast of Holland. I mention this in case it be thought necessary to have another ship to convoy the three Battalions. If any King's ship arrive here I'll endeavour to perswade the Captain to remain here for that service at least till His Royal Highness's pleasure be known. I beg leave to assure his Royal Highness of the pleasure I take to obey his commands in the

[1] Wolfe's, Sempill's and Pulteney's regiments. They were under orders for Flanders.

[2] June 24.

best way I can, and that wherein I fail it must proceed from an error in judgement.

I am &c.

(Signed) ANDR FLETCHER.

Mr Murray of Broughton has fallen ill of a feverish distemper in his new lodgings.[1]

The Beer can be supplied here.

Endorsed:—In the Ld Justice Clerk's of July 2nd 1746.

(*Enclosure II.*)

SIR EVERARD FAWKENER TO THE LORD JUSTICE-CLERK.

Fort Augustus the 26th June 1746.

My Lord,

His Royal Highness having thought fit to appoint Major Crawfurd to procure Transports and victual them for the embarkation of three Battalions of His Majesty's Troops which are to pass from this Country into Holland, and likewise to attend the service of that Embarkation and accompany these Troops, I am commanded by His Royal Highness to apply to your Lordship for your assistance, advice and good offices to Major Crawfurd in whatever may regard this service, and likewise your authority, if it should be necessary to have recourse thereto.

I make no apology for the frequent troubles of this kind which pass to you through my hands, because I know the great contentment you receive from whatever you can do either towards the public service or the particular satisfaction of His Royal Highness.

I am with unfeigned respect,
My Lord,
Your most obedient humble Servant,
(Signed) EVERARD FAWKENER.

Endorsed:—In the Ld Justice Clerk's
of July 2nd 1746.

[1] Murray left Edinburgh for London on July 7. *Cf.* the Lord Justice-Clerk's letter of July 10 in Mr. Bell's *Memorials of John Murray of Broughton*, p. 416.

II.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edr 12 July 1746.

My Lord Duke,

I had the Honour to write to your Grace by last post, and to acquaint you of all that passed betwixt Mr Murray and me at Dumbar, and that I left him in a good disposition.[2]

I also mentioned Lord Kellie's offer to surrender and transmitted a Copy of his Letter to me.[3] I have now the honour to acquaint Your Grace, that yesterday the Earl Kellie did render himself to me, in terms of the late Act of Attainder, whereupon I committed him prisoner to the Castle of Edinburgh till thence liberated by due course of the Law, of all which I beg leave, as the Law directs, to inform your Grace as his Majesty's Principal Secretary of State.

I have enclosed a Copy of the Intelligence I received from Grenock of some of the Rebel Officers having on the last day of June landed at Morlaix in France.

I have the honour to be with the utmost respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

I send enclosed a Specimen of the Report to be made of the Prisoners that have been in Arms; a separate List is making out of the names and additions of the witnesses as they apply to each Rebel prisoner.

Duke of Newcastle.

Endorsed:—Rd. 18.

[1] *S. P. Scotland, Geo. II. Bundle* 33. *No.* 41.

[2] The letter is printed in Bell, *Memorials of John Murray*, pp. 416 *et seq.*

[3] *Cf.* Bell, *ibid.*, p. 420.

(Enclosure I.)

INTELLIGENCE.

From Greenock I am well informed that on the 10th instant arrived there the Elizabeth of Glasgow, James Orr Master, from Moirlaix in France, which place he left the 1st instant. Arrived at that place an Irish Whirrie, Rais'd and deck'd from the Highlands. Mr Orr and the Master of a Dutch Ship going to Town in their Boats, the people of the Sloop called to them to put alongside, which they did, and immediately Eight Gentlemen came on board the two boats, with some baggage, one Cloakbag, which by its weight he supposed to be money; he asked the Gentlemen what news they had, as he supposed they were lately from Scotland. They answered, none good for themselves, tho' they might possibly be other ways for him, as he was from Glasgow, and mentioned the defeat of the Rebels.[1] Did not seem fond of much conversation with him, but talked mostly French amongst themselves. Affected to be very merry, and in the passage to Town sung many Jacobite Songs, and frequently a Begging we will go. Did not name one another. As soon as they landed at Moirlaix were waited upon by several French, Irish Gentlemen. They had a Stornoway Highland man on board, whom they had pressed away for a pilot, and as they asked after one Barber, Master of a Ship from Irvin, 'tis probably the Sloop which took Barber and carried into Lochbroom the 6th June last. Mr Orr knows nothing of the Brest Squadron or their design further than 'twas reported in France they were sometime sailed. One of the Gentlemen on board the Dutch boat had more regard paid him than the others, but as he appeared to be a Man about 40 years could not be the young Chevalier.[2] While Mr Orr was there an advice boat going to Admiral Martin with orders was taken by a French Privateer and brought into Moirlaix with some Merchant ships.

Endorsed:—In the Ld Justice Clerk's
of July 12, 1746.

[1] At Culloden.

[2] According to the *Scots Magazine* (vol. viii., p. 340), the people of Morlaix on seeing the officers "cried Vive le Roy, imagining the pretender's son to have been among them".

(Enclosure II.)

List of Rebel Prisoners Confined in the Several Goals in Scotland who carried Arms during the Rebellion.

Numb.	Rebels Names.	Rebels Designations.	Rank in the Rebellion.	Goals where they are confined.	Confession.	Number of Witnesses.	Pleas.	Remarks.
1	Donald McDonald	of Kinloch Moydart		Edinbr		III$_{III}$		The Pretender's Son was first at this House
2	Donal McDonell	of Teirnadreish	Major	Edinr Castle		III$_{III}$I		Taken at the battle of Falkirk
3	Robert Taylor	Shoemaker in Edinburgh	Captain	Edinbr	Do	III$_{III}$III		Besieged the Castle of Edinbr [1]
4	James Forbes	late Servt to Mr Webster, Minr in Edinr	Private Man	Do		III$_{I}$		
5	Thomas Robertson	Journeyman Barber in Glasgow	Private Man	Cannongate		I		
6	James Harvie	Innkeeper at Bridgend of Lithgow	Quarter Master	Do		III$_{III}$		
7	John Cameron	in Daudich in Glenbeadale in Ardgour	Private Man	Do		III		
8	Donald McKenzie	Changekeeper at Tynadreen in Lochabar	Do	Do		II		
9	Angus Cameron	in Burnfoord in Lochabar	Do	Do		III$_{III}$		
10	John Steuart	Tenent in Balahelish	Do	Do		I		
11	Malcolm Cameron	at Fort William	Do	Do		II		
12	Joh. Cameron	Tent in Glenmaulie in Lochabar	Do	Do		II		
13	Donald McCormig	in Appine	Do	Do		II		
14	Hugh Cameron	in Locharkig in Lochabar	Do	Do		III$_{II}$		
15	Donald McDonald	in Tenart in Appine	Do	Do		II		
16	John Cameron	in Cumbus Innes in Ardnamurchan	Do	Do		I		
17	Angus Campbell	Tent in Tenachan in Lochaber	Do	Edinbr	Do		Forced	
18	James Chape	Smith at St Marnoch Church, Banfsh.	Do	Do		I		
19	Thomas Robertson	Journeyman Goldsmith in Edinr	Do	Edinr Castle	Do			
20	William Gray	late prentice to Pat. Black, Surgn in Perth	Surgeon's Mate	Edinbr	Do			
21	Simon Lugton	Taylor in Edinburgh	Private Man	Do		III		
22	Allan Grant	Workman in Edinburgh	Do	Do		I		
23	Thomas Laing	Workman at Ld Hopetoun's Leadmynes	Do	Do		I		
24	John McWarish	Surgeon at Drumley in Moydart	Surgeon	Do	Do		Surrender'd	Before the 12 Nov. last on hearing of G. Wades Indemnity
25	John McWarish	Servt to John McWarish, Surgn	Private Man	Do	Do		Do	Do

[1] *Cf. supra*, p. 302.

Endorsed :—in the Ld Justice Clerk's Letter of July 12, 1746.

III.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh 14th July, 1746.

My Lord Duke,

This Evening I had the Honour of your Grace's Letter of the 11th signifying his Majesty's Commands, that all such persons as are confined in any of the Prisons in Scotland on account of their having been taken in Arms, or of having personally joined those that were in Arms, should be forthwith sent under a sufficient Guard to Carlisle in order to take their Tryal, and that I should transmit to Mr Philip Carteret Web such Evidence as shall have been procured against them; taking particular care that the Witnesses that shall be sent to give evidence be able to prove that they had seen the prisoners do some Hostile Act, on the Part of the Rebels, or marching with the Rebel Army.

In my Letter of the 16th of May, I had the honour to acquaint your Grace of the orders I had then sent to the several Sheriffs and Magistrates of Burghs, pursuant to His Majesty's commands to me by your Grace's Letter of the 12th of May, to transmit to me Lists of the Prisoners for Treason in their several Goals, with an account of the Evidences and proofs that can be brought against them; such lists have been sent me by the greatest part of the Sheriffs, but as they were Bulky and the Evidence very perplext and imperfect, against many no evidence at all, against others none but the prisoners own Confessions when examined, and others had not been in Arms or joined personally with the Rebel Army, Therefore that I might be the sooner able to obey your Grace's Commands of the 3rd Instant of sending to your Grace exact Lists of all such prisoners as were taken in Arms, I put these Lists sent me into the hands of his Majesty's Solicitors, with orders to make up from the whole such a list as your Grace desired of, which I had the honour to acquaint your Grace on this 10th. The Solicitors have not yet quite finished that task, but it will be finished very soon, and then there will be no difficulty that I can forsee in sending the prisoners to Carlisle.

[1] *S. P. Scotland, Geo. II. Bundle* 33. *No.* 46.

But with respect to the manner of my sending up the witnesses, there is a difficulty, and which I mentioned to your Grace in my Letter of March the 27th. The Witnesses are very numerous, and I dare say few of them will be willing to make a journey to Carlisle to give Evidence against the Prisoners, and I doubt if I have authority to take all these witnesses into custody, and to send them likewise Prisoners to Carlisle, and yet without some such compulseture I easyly forsee that the proof must be exceeding defective; it is indeed very probable that my doubt is chiefly owing to my being so little acquainted with the methods of proceedings in England in trials for High Treason, and if that is the case, I hope your Grace will not only have the goodness to forgive me, but also to set me right. But if the difficulty in Law is truly such as I apprehend it, in that case I must leave it to your Grace to find out the proper remedy, and in the mean time how soon the Solicitors shall have finished the Lists, I shall send orders to the Sheriffs and Magistrates to send the Prisoners hither with such Witnesses as are willing, and give the best directions I can think of for perswadeing those who are unwilling, without transgressing what I apprehend to be the law.

I had the honour to transmit to your Grace Copys of the Reports I had from the Sheriff of Aberdeen and Kincairden, which were the exactest I received.

I have reason to think that Sr Everard Fawkener is collecting what Evidence he can, tho' I do not know if it is yet finished. I sent him this night a copy of your Grace's Letter and he will be able to judge, as well as I can do, both what prisoners and what witnesses ought to be sent, and possibly there may be the same difficulty there that I have here to send those witnesses that are not willing to go, and even here perhaps the difficulty would not be so great if the same remedy were at hand.

I have the honour to be with the utmost respect

My Lord Duke

Your Grace's most obedient and most humble Servant,

AND. FLETCHER.

P.S.—I delayed sending this Letter till I could consult with Ld President and others of my bretheren here about the difficulty in send-

ing ye Witnesses, but thereby my difficultys instead of being removed are increased.

Duke of Newcastle.

Endorsed:—Rd. 19. by Express.

IV.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edr 15 July 1746.

My Lord Duke,

The Vessel which carried the Rebels to Bergen is returned and seized with Weymss the Master by the Officer commanding at Stonehaven; a Sailor who landed at Arbroth is seized with 13 Letters which are sent to his Royal Highness the Duke.[2]

I have this moment accounts from Luss [?] that all the McGregors have agreed to surrender at the Kings mercy, of which I have given notice to Brigr General Mordaunt who commands at Perth.

I have the honour to be with the utmost respect,

My Ld Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Lovat I hear is to be at Sterling ye 19th on his way to ye Tower.

Duke of Newcastle.

Endorsed:—Rd. 19th by Express.

[1] *S. P. Scotland, Geo. II. Bundle* 33. *No.* 47.

[2] About the beginning of May thirteen Jacobites, among whom were said to be Lord Ogilvy and David Graham of Duntroon, boarded Captain James Wemyss's ship in the Tay and were carried to Bergen. They sent letters from thence to Scotland by the ship on its return voyage. Wemyss and his crew were committed to gaol. *Cf. Scots Magazine*, vol. viii., pp. 240, 340.

V.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 26 July 1746.

My Lord Duke,

I can now at last send your Grace some account of Rebel Prisoners in the several Goals in this Country that are to be sent to Carlyle, pursuant to his Majesty's Commands, which I had the honour to receive by your Grace's letter of the 11th current. The number of the whole is 126 persons, whereof there are 34 that were either considered here as in the rank of Gentlemen, or were employed as officers in the Rebel Army, and of these I have enclosed a list of their names and designations and commissions or offices in the Rebel Army. The other 92 are Private men, and I did not think it worth the troubling your Grace with a List or Roll of their names. The Judge Advocate, Mr Bruce, has not yet quite finished the examination that he has for some time been employed in by Sr Everard Fawkener, but he is expected soon here, and it is possible that when he arrives I may be able to add to the List more Rebels against whom he has got evidence. But in the meantime I have sent orders to Aberdeen, to send under a Guard to this place the prisoners in that Goal against whom there seems to be sufficient evidence, because that is the most distant place from which I have got any account of the prisoners and the evidence against them, and they were to set out from thence as yesterday. The List of Witnesses that prove against these 126 prisoners consists of no less than 134, and I want your Grace's answer to my Letter of the 14th, which I hope will bring me your Grace's directions in what manner they can be sent; it is not impossible but upon a review of the evidence the number of the witnesses may be a little diminished, where 4 or 5 witnesses prove against the same person, and yet I am perswaded that very few of that number can be spared, because even in that case, the whole are for the most part necessary against some other of the prisoners.

I imagine it will also be useful for the Crowns Lawyers in manage-

[1] *S. P. Scotland, Geo. II. Bundle* 33. *No.* 55.

ing the Tryals to have the assistance of some of these that were employed in taking the Examinations of the witnesses, therefore I intend to send along with the prisoners Mr Solicitor Homes Clerk and one Mr Gray, who were both employed in that service; and an Interpreter of the Irish Language will be absolutely necessary and I shall send one[1] for that purpose.

After all these prisoners shall be sent away a great many will still remain in our Goals, whereof several are undoubtedly guilty, even by their own confessions, and against others there is one witness and no more, but it would be to no purpose to send them to Carlyle, because we have as yet got no other evidence against them. Therefore your Grace will please direct me how to dispose of them.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 29 by Express.

(*Enclosure.*)

LIST OF REBELS AGAINST WHOM THERE IS PROOF ABOVE THE RANK OF PRIVATE MEN.

Donald M^c^Donald of Kinloch Moydart.
Donald M^c^Donald of Teinadrish, Major.
Robert Taylor, Shoemaker in Edinburgh, Captain.
James Harvie, Innkeeper at Bridgeend of Linlithgow, Quarterm^r^.
Thomas Robertson, Journeyman Goldsmith in Edinburgh.
William Gray, Surgeon's Mate.
Robert Randall, Excise Officer, Quartermaster.
Charles Spalding of Whitefield.
Patrick Murray, Goldsmith in Stirling.
James Murray, Surgeon.
Robert Murray, Writer in Edinburgh.

[1] Patrick Campbell.

John Martine at Gordon's Miln, Ensign.
Alex[r] Pearson, Shipmaster in Aberbrothick.
James Duff of Torphies, Younger.
James Innes, late in Cullen.
Francis Buchanan of Arnpryor.
Thomas Buchanan, brother to Arnpryor.
Patrick Buchanan of Spitle, brother to D[o].
Thomas Blair, Fewar in Gartmore.
James Stewart, late Gentleman to the Duke of Perth, Major.
Archibald M[c]Lauchlane, Merchant in Maryburgh, Ensign.
David Home, brother to Home of Manderston.
William Home.
James Drummond of Gatherlees.
Robert Wright, son to James Wright, Writer in Edinburgh.
James Thoirs, son to Gilbert Thoirs, Writer in Edinburgh.
James Smith, Writer in Edinburgh.
Sir Archibald Primrose of Dunipace.
Mungo Graham, Writer in Edinburgh, a Commissary.
Alexander Dalmahoy, son to Sir Alexander Dalmahoy.
Peter Lindsay, late Tenant in Wester Dean house, brother to Lindsay of Woringston, Lieu[t] in the Rebel Army.
Charles Gordon of Tarpersie.
George Steel, Merchant in Aberdeen.
M[r] Robert Lyon, Minister of a Nonjuring Meeting and Chaplain to Lord Ogilvie's Rebel Regiment.

Endorsed:—In the L[d] Justice Clerk's
of July 26, 1746.

VI.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Ed[r] 27 July, 1746.
In the morning.

My Lord Duke,

Since writing to your Grace of yesternight's date, I have intelligence that on Wednesday senight the Pretender's son got over

[1] *S. P. Scotland, Geo. II. Bundle* 33. *No.* 57.

the Hill of Morar, in Lochaber, where he was received by Lochgerrie with 80 men in arms, who conducted him into Badenoch. Orders are sent every where to preserve a strict Imbargo along the coast, and to seize and secure every where all suspected persons, so that I am in good hopes that the Pretender's son shall not get off.[1]

I have the honour to be with the utmost respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 30.

VII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[2]

Edinburgh, 7th Aug. 1746.

My Lord Duke,

Last Monday night I had the honour of your Grace's Letter of the first instant, together with a copy of the Attorney General's Letter to your Grace of the 22nd of July, which rather increases than removes my difficultys how to send from this country unwilling witnesses against the Prisoners that are to be sent to Carlisle. But there is no help for it, the Law in that matter stands, it seems, as I apprehended it did, and all that remains to me is to endeavour the best I can to follow the directions your Grace has given me.

By the examinations that have been taken there are several of the Prisoners who at the same time they acknowledge their own guilt do likewise give evidence against their fellow Prisoners, and in so far, that difficulty ceases. It is not at all impossible that the prospect of an approaching Trial may persuade others of them to be more ingenious, and I do not know but a good Solicitor may among the Prisoners themselves find a sufficient number of witnesses to convict all the rest; therefore I have resolved to send up the whole Prisoners against whom

[1] *Cf.* p. 17 (note), *supra*.

[2] *S. P. Scotland, Geo. II. Bundle* 34. *No.* 3.

there is a moral certainty of their being guilty, either because they have acknowledged it and signed their confession, or because one or more witnesses in this country have given evidence against them, though I should not be able to persuade these witnesses to go to Carlisle.

Some of the witnesses against the Prisoners are employed either in the Excise or Customs, and as to these I have applied to the Commissioners, and make no doubt they will have influence to persuade these witnesses to go to Carlisle; others of the witnesses are private men in the Army, and I have applied to their commanding Officers to send them to Carlisle. Two of the material witnesses are servants of the Town of Aberdeen, that is, Town Serjeants,[1] and I have wrote to the Magistrates desiring that they be forth with sent to Carlisle and to call here for money to defray the Expence of their journey, and I doubt not they will comply. But as to the other witnesses, as I have not yet been made acquainted with their several inclinations, the only method I can think of is, writing to the respective Sheriffs and Magistrates to send to this place the Witnesses in their several Countys, a list of whose names is sent them, in order to be further Examined by the Crowns Lawyers or by me, on pretence that without such examinations a distinct report cannot be made. I have accordingly wrote in these terms by Express to all the Sheriffs and Magistrates where I thought it useful, and to such other persons as I thought had interest or influence over the Witnesses, and in a few days I shall be better able to inform your Grace what witnesses are willing to go to Carlisle and how far the evidence seems to be compleat, and shall as your Grace has directed me send to M[r] Philip Carteret Webb Copys of the Examinations of all the Prisoners and the Declarations of the Witnesses taken against them.

I have just now advice from Aberdeen of some abuses committed there on the first of this month by the Troops,[2] the occasion whereof was that the Officers of the Army wanted to have public rejoicings that day, being the anniversary of the accession of the Royal family to the Throne, and accordingly the Bells were rung in the same manner as is usual on days of rejoicings. But it seems no orders had been given for Illuminations, and as there were none in former years, the inhabitants or the greatest part of them neglected to have any at this time, and the soldiers supposing that it proceeded from disaffection, broke all

[1] *Cf.* p. 195, *supra*. [2] *Cf.* No. XXV., etc., *supra*.

the windows, the Timber as well as the Glass, to a considerable value, and it is said that they did it by the order of some Officer. I have not yet got so distinct account of this affair as to pretend to inform your Grace of the particulars, but I hope it will not be so bad as the first account seems to make it.

It gives me great uneasyness to hear so many complaints made of the Army; several were made in form to the Court of Session[1] of Officers having seized and disposed of the goods and effects of innocent persons under pretence of seizing the Rebels effects, or of carrying away the effects of persons said to be in the Rebellion, to the disappointment of their Landlords rents, or of their Creditors who had in the Forms of Law attached them. I did not think these matters of importance enough to mention them to your Grace, and I do it now only in Obedience to your Grace's Commands to acquaint you of every thing material that passes in this Country. The Court of Session ordered that the persons complained on should be served with Copys of the Complaints, and that they should put in answers within a time limited. It happened luckily that the Officer first complained of justified himself to the satisfaction of the Court, and they awarded full costs against the complainer.[2] But the Gentleman next complained of, Captain Hamilton of St. George's Regiment of Dragoons, neglected to put in answers and therefore the Court of Session gave a Warrant to commit him to prison till he find Bail to put in answers against the 1st of November the next Term, and to pay such damages as shall be decreed against him.[3]

But what gave me the greatest concern was a Complaint made to the Court of Justiciary by the Magistrates of Stirling and two inhabitants of that Town of a very atrocious Riot,[4] as it was represented, and said to be committed by Lieutenant Colonel Howard, of Gen[l] Howard's Regiment, and two subaltern Officers on these two inhabitants, a periwig maker and his apprentice. They sued that Colonel Howard (after they were beat by the soldiers) caused the Apprentice to be tyed to Halberts and whipt by some of his drums, and therefore prayed for a warrant to

[1] Several of these are enumerated in *Scots Magazine*, vol. viii., pp. 343 *et seq.*

[2] This refers to the case of Quartermaster Nathaniel Cooke. *Cf. Scots Magazine*, vol. viii., pp. 343, 345.

[3] Many letters on this case are printed *supra*. *Cf.* Index.

[4] *Cf. supra*, p. 210, note 3.

commit the Col. and the other two Officers to Prison until they should find Bail; about the same time I had advice that the Regiment was ordered to march to Carlisle under the command of Colonel Howard, and therefore it was not thought proper summarily to give such a Warrant without further evidence than the information, and orders were given by the Court of Justiciary that a Precognition should be first taken and laid before the Court, which has not yet been done, and therefore I cannot yet with any certainty say how the Complaint was founded; it was unlucky that General Bland was then upon command at Bruntisland when this affair happened; how soon he heard of it from the Magistrates he wrote a very proper and a very sensible Letter to them, and is now, as I am told, endeavouring to get [it] compromised.

I have the honour to be with the utmost respect

My Ld Duke,

Your Grace's most obedient and most humble serv^{t}.

AND. FLETCHER.

Duke of Newcastle.

VIII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinb^{r} 9th Aug. 1746.

P.S.

I was prevented sending my Letter by the post of the date, through the hurry I have been in in giving the necessary directions for sending off the Prisoners and witnesses from this and other places to Carlisle; about 140 prisoners set out from this place yesterday for Carlisle, whereof above 25 have agreed to be evidence, and at least 30 other witnesses have set out already from this place for Carlisle. This day the prisoners and witnesses set out from Perth, and to-morrow another party set out from Stirling, the last division from Montrose and Dundee I have not yet heard of the day they set out. This will be a very expensive affair. I have given them money to carry them to Mr Philip Carteret Webb, who I suppose is enabled to take care of them afterwards; several of the Witnesses who are examined have stept out

[1] *S. P. Scotland, Geo. II. Bundle* 34. *No.* 6.

of the way, and more may probably do so if they meet with bad company; however, all shall be done that is in my power, and I believe there will be evidence against a great many. Two Lawyers of great practice, Mr Alexr Lockhart and Mr James Fergusson, I am told go to Carlisle for the Rebels with 3 Solicitors.

By Lord Albemarle's Letter to me, of which I send your Grace a copy, I hope to get all Complaints soon sopited. I have enclosed a copy of my answer[1] chiefly that your Grace may see what answer I have made about Glengary, and shall be glad it meet with Your Grace's Approbation.

The news I sent your Grace from Arasaig is not confirmed. I send your Grace a copy of Mr Anderson's Journal, who is Aid de Camp to Majr Genl Campbell. I think we have lost scent of the Pretender's Son since H.R.H. left us, so that I begin to suspect that he is either got off by sea or perished at Land.

Endorsed:—Rd. 13. by Express.

(*Enclosure I.*)

INFORMATION AGAINST GLENGARRY.

We the under Subscribers do unanimously vow, declare and swear that John McDonald of Glengary being our Superior, of whom we hold our lands and possessions, did associate himself to the Chevalier's Son's party after his landing, and notwithstanding that he received a sum of money to bestow upon the raising of us and all other persons fensable men within his Estate and following, kept that sum to himself and obliged us, our Tenants, dependers, and all others of his Estate at our own expence to raise, march and support ourselves until we joined the Chevalier's Son's Standard. He then contrary to his faith and promise absenting, sent his son Angus[2] to command us, his eldest son[3] being then still in France. He settled the Stations and Posts in his Regiment, which some grumbling at in some time left the Regiment. When the first desertion began in the Highland Army he stationed his

[1] It is printed *supra*, No. LXIII.

[2] He was accidentally killed at Falkirk after the battle.

[3] Young Glengarry. *Cf.* p. 86, note 4, *supra*.

brother Ronald in the one side of his Estate, himself in the other, to execute the Severest Cruelties upon any [who] would return to their homes. Ronald was to burn the houses and destroy the effects of all [who] would come to Knoidart, Abertarff and Achadrom. This kept Glengary's Regiment the fullest and the best in the field over what they travelled in England and Scotland, and for the Private men's encouragement he discharged them a year's rent, which he drew, and as much more, in name of said rents from the Chevalier's Son's Coffers. His Son Angus being killed by accident in the Town of Falkirk, he sent James his first Son by the Second Marriage, tho' still too young to command the Regiment, but under the Management of Lochgary. And when the Government Forces marched over Spey[1] there was neither young or old, such as formerly left at home as not fit for long marches, but he forced out to the action of Culloden, and after he surrendered the first part of the Arms of the Country of Glengary, sent to Mr Murray of Broughton to Invermalie to give him a sum of money and he would still keep a body of his men in that Service. Now we humbly beg our cause be heard, being obliged by the Superiority over us to rise in Arms, and if allowed will prove what we represent and a great deal more of it by write. We beg leave to offer, if it be his Majesty's and Government's will to show us any respite or pardon, that we will conform ourselves to their pleasure, serve them faithfully in all times to come and to do whatever will be directed to us.

This is written and signed by us at Glenlouh the sixteenth of July, one thousand seven hundred and fourty six years.

(Signed)
Col. M^c^Donnell of Barisdale.
John M^c^Donnell Son to Scothouse.
Donald M^c^Donell of Lundie.
Ronald M^c^Donell of Shian.
Alex^r^ M^c^Donell of Ochtera.
Allan M^c^Donell Son to Scothouse.
Don M^c^Donell Cousin to Ardnabie.

A True Copy
(Signed) J. Roper.

Endorsed:—Sent to the Earl of Albemarle, Aug. 1746.
In Ld Justice Clerk's Letter
of Aug. 7 & 9, 1746.

[1] In April, 1746.

(*Enclosure II.*)

THE EARL OF ALBEMARLE TO THE LORD JUSTICE-CLERK.

Fort Augustus, Augt 5th 1746.

My Lord,

I apprehended yesterday the Laird of Glengary on the information of which I send your Lordship enclosed a Copy. As this accusation is signed by people in actual Rebellion I know no way of coming at them to examine them upon oath [except] by granting them a protection for their persons for a number of days sufficient for that purpose. I beg your advice hereupon.

I am very sorry that Captain Hamilton of the Dragoons has gone too far in the Execution of his office, according to the printed paper sent me by Sir Everard Fawkener; as his Zeal for His Majesty's Service has perhaps been the cause of it I hope your Lordship will find means to get both partys to agree.

I heard this morning that some little Fray has happened at Aberdeen between some soldiers and some of the inhabitants on account of the rejoiceings on the first day of this month, which we frequently Solemnize in England, being the day (Your Lordship knows) of this present Royal Family's accession to the Throne. As both partys may be to blame I hope this may also be stifled, and that for the future Civil and Military powers may agree in every point, which I daresay is your desire and the sincere wish of

My Lord,
Your Lordships most obedient Servant
(Signed) ALBEMARLE.

Lord Justice Clerk.

Endorsed:—In Ld Justice Clerk's Letter of Augt 7 & 9, 1746.

(*Enclosure III.*)

THE JOURNAL OF MR ANDERSON AID-DE-CAMP TO GENERAL CAMPBELL.

The 12th [of July, 1746] being cruizing off Rasay, Capt Ferguson returned with the Laird of McKinnon and Cameron the Priest, brother

to Lochiel (who had been taken in Morar by Capt McNiel) and Capt John McKinnon with two of the men who carried over the young Pretender from Sky to Morar. From these prisoners we learned that the Young Pretender left Skye the 4th and that the 6th or 7th he left the place in Morar by Loch Navis where they landed; they said he was gone Southward.[1] This day also Capt Hudson arrived with Letters from the Duke to General Campbell.

The 13th Sir Alexander Mcdonald came on board, having accompanied Capt Hudson from Fort Augustus, and the General having given Capt Hudson a letter for the Duke with what intelligence we had of the Pretender's being got off to the Continent, he and Sir Alexander set out for Fort Augustus;[2] and then we made sail for Garloch, where we arrived about 6 o'Clock the same Evening expecting here to meet the Greyhound with provisions.

The 14th we got information that some persons were concealed in a Cave near Aplecross, upon which orders were given to Capt Ferguson, Lieut Gachen and Lieut Hope with 30 Sailors and what Fuzileers we had in the Cutter and Wherries to go in quest of them, but the wind being calm they could not sail till the 15th about 4 in the morning. They returned the 17th having taken none of the Rebels, but took a ten oar'd boat that attended them.

The same day we got information that a French Vessel had been in Lochbroom and the 14th had landed some officers, that two of these landed were gone from the Ship and that they were made prisoners. As there was reason to suspect that said ship might still be near the same place, we proposed sailing in the evening in quest of her, but it was quite calm, so that we could not get out of the harbour or bay of Garloch.

The 16th the said two prisoners, one a French man, the other of Irish extraction, both reformed Lieuts in the French Service, were brought aboard; we could get nothing material from them further than that they came from Dunkirk about the 30th May last with about 16 Gentlemen (Officers); that the vessel was called the [*sic*];[3] they were

[1] The information furnished by the Mackinnons, who had accompanied the Prince from Skye to the mainland, was correct.

[2] Probably to take leave of the Duke of Cumberland, who left Fort Augustus on July 18.

[3] From another passage at the end of this Journal it appears that the ship was the *Bien Trouvée*. *Cf. supra*, p. 46, note 1.

victualled for two months but they had orders not to return till they had orders for that purpose from the Prince (as they termed him), from whence it is easy to judge their business was to carry off the Young Pretender. The General sent out some persons to get intelligence of the French Brig, and this morning (the 17th) they returned with advice that the said vessel was in Lochbroom the 11th at four in the afternoon, we therefore got under sail in quest of her.

The same day we embarked what Officers and men we had in the Cutter and Wherries to go into Lochbroom ; they returned the 19th with advice that the French Vessel had left Lochbroom Sunday the [13]th.

N.B.—This day therefore Capt Ferguson went himself for further information and returned at night with nothing more than a confirmation of what we heard before, vizt that two French Vessels had sailed the 12th past ; he brought off with him some Cows for fresh provisions for His Majesty's Ship.

This day the Greyhound brought 14 days provisions for the Furnace and made sail in the Evening for Barahead. We were also joined about the same time by the Glasgow who is ordered to cruize from Stornoway to Farohead.

The 20th we made sail for Aple Cross Bay in order to meet a Wherrie we had sent to Mingary Castle for letters, we got into the Bay about 8 at night.

The 21st Lamont arrived in his Wherrie with Letters from the Duke, &c., for General Campbell.

The 22nd lay becalmed in Aplecross Bay but ordered out one of the Wherries to land Mr Russell on Sky from whence he was to go to Uist to order off the command left on that Island with Capt Campbell of Skipness, only to leave an Officer and some of the Independent Companys to take care of Lady Clan Ronald.

The 23rd made sail for Kenlochnadael, but the wind being contrary we could not get through the narrows till the 24th.

The 26th Capt Campbell of Skipness arrived with the Command and prisoners from South Uist, vizt O'Neil, Allan Mcdonald, the Young Pretender's Confessor, another priest and four other prisoners.

The 27th made sail for Lochnanua, but the wind being contrary were obliged to put into a harbour in Canna where we searched the Baillies house again for papers &c.—here we spoke with the Raven

Sloop of War, and learned from the Captain that the French Brig we had been in quest of was taken off Loch Broom by the Glasgow, but she had landed all the French Officers she had on board.[1]

The 28th in the evening made sail from Canna for Lochnanua, where we arrived the 29th in the morning and joined Lieut. Col. Campbell who lay there with his command, with which and those we have brought with us we are now preparing to search all the country about Lochmorar, where there are a great many Caves and Subterraneous places in which Lochiel and a good many of the Rebel Chiefs were concealed sometime past and narrowly escaped Capt Ferguson when he was in that country.

General Campbell has made Old Clan Ronald prisoner, having discovered from some papers and letters seized in South Uist that he has been guilty of some treasonable practices.

Endorsed:—Journal, Mr Anderson, to the 28th July 1746.
In Ld Justice Clerk's
of Aug. 7 & 9 1746.

IX.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[2]

Edr, 11 Aug. 1746.

My Lord Duke,

Mr David Bruce, who delivers this, was employed by His Royal Highness as Judge Advocate of the Army under his Command, and by instructions from H.R.H. containing ample powers he visited all the prisons betwixt this and Inverness, and examined the prisoners committed for Treason or suspicion of Treason and made his report to me, which Examinations are now sent to Carlysle along with the other examinations taken by his Majesty's Solicitors and Sheriffs, Magistrates, &c.

By Mr Bruce's instructions he is thereafter ordered to repair to

[1] This conflicts with M. Dudepet's statement, *supra*, p. 46.

[2] *S. P. Scotland, Geo. II. Bundle* 34. *No.* 7.

London and there present himself to your Grace. I advised him to go by Carlisle that he might inform your Grace of what is doing there.

I am with the utmost respect,

My Lord Duke,

Your Grace's most obedient and most humble servt

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 22 (by Mr Bruce).

X.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 14 Aug. 1746.

My Lord Duke,

I can now acquaint your Grace that all the prisoners and witnesses are at Carlisle or on the road to it. The last division of them, who arrived yesterday from the North at this place, set out this morning for Carlisle. The whole prisoners sent are about 270, and the number of the witnesses who I have one way or other prevailed on to go to Carlisle are about 160, exclusive of about 30 of the prisoners who have already agreed to be witnesses, and no doubt more of them will speak if properly applied as the danger approaches; besides the persons I formerly mentioned sent along to take care of the prisoners and witnesses, I found it necessary to send Mr James Fauld to conduct those who came in the last Detachment from Angus; this Gentleman was very assistant to me in rescuing our officers taken at Preston.

This whole affair has been very troublesome and difficult to manage, and nothing but his Majesty's service and your Grace's commands could have engaged me in it. However, I have wrought through and done the best I could, and my Friends have supported me, notwithstanding the ridiculous cry that prevails, rendering all those who bear witness to the truth in the service of their country odious by the name of Informers, and taking all indirect methods to spirit away witnesses, and deter them or seduce them from telling truth.

[1] *S. P. Scotland, Geo. II. Bundle* 34. *No.* 10.

I have nothing else material to acquaint your Grace of, no news of the Pretender's son, though he was once in such difficulties that he was deliberating about delivering himself up.[1] We are sometimes employed in seizing a Rebel, sometimes in spoiling complaints, which begin to abate and I hope will be soon entirely prevented by the wise conduct of the Earl of Albemarle, who is expected at Stirling on the 20th. General Bland has settled Col. Howard's affair at Stirling with great address. I paved the way for him.[2]

Your Grace will before now have heard of the arrival of the Transports in Holland, for they had a constant fair wind from the day they sailed.

The Rebels who landed at Bergen are arrived at Gottenburgh. By ship's news from Bourdeaux, a report prevailed there that 7 or 8000 were in arms from that place to Rochelle, but that they had no Leader nor no Officers; perhaps they look for Genl Sinclair.

I have the honour on all occasions to be with the utmost respect,

My Lord Duke,

Your Grace's most obedient and most humble servant,

AND. FLETCHER.

I send enclosed a list of the Volumes of Declarations, Examinations, etc., sent to Carlisle. Lord Albemarle's Letter of ye 12th[3] from Fort Augustus says, that the badness of the weather, cloths and Tents being worn out, and having no intelligence of the Pretender's Son, obliges him to march from thence next day, and that after having settled the Troops in their quarters at Perth and Stirling and other places, his Lop is to set out for Edinburgh; that Lord Loudoun was then with part of his Highlanders at Fort Augustus, and was to proceed in searching for the Pretender's Son. By a Letter from the Sheriff of Argyle of the same date from Inverara, Major-Genl Campbell continues on the Coast of Lorn; that Colonel Campbell was gone from Strontian to the head of Locharkaig, upon information that the Pretender's Son was lurking

[1] This statement appears in Captain Felix O'Neil's narrative, *supra*, p. 75.

[2] *Supra*, p. 403.

[3] *Cf.* No. LXXII., *supra*.

there, where he was to meet Lord Loudoun with a command from Fort Augustus.

Duke of Newcastle.

Endorsed:—Rd. 20.

(*Enclosure.*)

INVENTORY OF PRECOGNITIONS, REPORTS AND OTHER PAPERS SENT TO CARLISLE, BY Mr PATRICK HENDERSON.

1. Precognition taken at Perth by Solicitor Home.
2. Precognition taken by Do at Edinburgh.
3. Report, Sheriffs of Aberdeen.
4. Precognition, Sheriffs of Stirling, with four papers enclosed.
5. Report, Sheriffs of Edinbr, with Add. Report enclosed.
6. Report from Kincardine.
7. Copy Minutes of Solicitor Haldamot and Mr Miller's proceedings at Perth.
8. Report, Sheriffs of Elgin.
9. Report, Sheriffs of Dumbarton.
10. Report from Banff.
11. Report from Haddington.
12. Report from Musleburgh.
13. Report from Dumfries.
14. Report, Shr. of Linlithgow.
15. Report, the Stewart of Annan.
16. Precog. by Solcr Haldane concerning Neil Campbell.
17. Report from Dumfermling.
18. Precog. Sh. of Lanerk.
19. Report, the Managers of Montrose.
20. Report, Provost of Arbroath.
21. Report taken at Montrose by Sh. of Forfar.
22. Do.
23. Two separate Reports by the Sh. of Forfar.
24. Report from Stonehaven by Mr Bruce &c.
25. Report from Arbroath by Mr Bruce.
26. Report from Montrose by Do.

27. List of Rebel prisoners who carried Arms.
28. Alphabetical List of Witnesses.
29. Bundle of Witnesses Declarations.
30. Report from Dundee by Mr Bruce.
31. Report, Baillies of Dundee.
32. Precognition taken at Dunkeld.
33. Buchanan of Arnpryor's letters.
34. Confessions and declarations taken by Mr Bruce at Stirling.
35. Do taken at Aberdeen in presence Lop Ancrum.

More carried by George Miller, Sheriff deput of Perth.

Alphabetical list of Rebel prisoners in the several Goals in North Britain.

List of prisoners in the several Goals that were in the French Service.

List of Rebel prisoners and of the Witnesses subjoined to each Rebel's name.

Alphabetical list of the said Witnesses.

Alphabetical list of the names of all the said Rebels.

Examinations of Rebels taken at Perth in February and March 1746 by Mr Patrick Haldane and George Miller, and an abstract of their Confessions.

Examinations of Rebels taken since that time by the said George Miller and an Abstract of their Confessions.

Alphabetical list of the Rebels.

Precognitions of Witnesses taken by the said George Miller.

Endorsed:—In Ld Justice Clerk's Letter of Aug. 14, 1746.

XI.

The Lord Justice-Clerk to the Duke of Newcastle.[1]

Edinburgh 14 August 1746.

My Lord Duke,

As Lord Sommervelle was one of the few of his Majesty's friends of rank whose Countenance and assistance was always at hand

[1] *S. P. Scotland, Geo. II. Bundle* 34. *No.* 11.

and of use to me in the Management of his Majesty's affairs here, under your Grace's directions; as well as concerting the measures for our return to Edinburgh in the beginning of November last; as in maintaining the possession of that city, and preserving the peace of it and the South of Scotland till our deliverance was wrought by His Royal Highness. I have therefore taken the liberty to desire Lord Sommervelle to wait on your Grace, because he can (as being eye witness) explain many things that perhaps your Grace would be glad to know about these transactions, and he knows the Persons who, when things were at the worst, showed most spirit.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble servt

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. Sepr 8th.

With Ld Somerville's of Sepr 4th.

XII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh 18th Augt 1746.

My Lord Duke,

By letters I have received from Carlisle from Mr Webb, and some persons who went from this Country to assist him in the Trials of the Rebel prisoners, I am informed that Bills have been found against several of them.[2] But I am sorry at the same time to understand that the Judges stay at Carlisle was to be so short[3] that a great many of the prisoners could not arrive there before the Judges were gone. This is a misfortune and no doubt must occasion an additional expence, but I

[1] *S. P. Scotland, Geo. II. Bundle* 34. *No.* 12.

[2] Bills were returned against one hundred and nineteen of the three hundred and eighty-five prisoners arraigned.—*Scots Magazine*, vol. viii., p. 438.

[3] The preliminary sittings of the Court at Carlisle took place on August 12 to 16. The proceedings were then adjourned to September 9.—*Scots Magazine*, vol. viii., p. 437.

daresay your Grace will not blame me for it. After I received the honour of your Grace's directions concerning the witnesses, together with the Attorney Generals opinion, I did not lose one minute, but sent both the prisoners and what witnesses I could with all the haste possible. Tho' I did not so much as know the route of the Judges, nor the time appointed for their sitting till yesterday the 17th that it was sent me by Mr Webb, and even if they had been sent sooner, and Bills had been found against all or most of the prisoners, the witnesses must have remained at Carlisle till the Judges return on the 8th of September to proceed on the Trials.

It seems a difficulty occured at Carlisle in the taking the witnesses oaths; some of them were so scrupulous that they would not kiss the book, which they look upon as a sort of Idolatry, and the Court doubted of administering the Oath in the Scotch Form. But tho' there are many in this country that have the same ridiculous scruples, yet it could not been foreseen that that would have created any difficulty, because it has been the constant practice in the Court of Exchequer here to administer the oath to such witnesses in the same form that is done in the other Courts in Scotland, and I am glad to hear that the Judges at Carlisle have at last also got over that difficulty.[1]

By the same letters I am advised, that against some of the prisoners (even against some of those against whom Bills are found) it is absolutely necessary that some of the witnesses be sent who have refused to go. Your Grace knows that I have no power to compell them, therefore I have acquainted Mr Webb &c. of the Attorney Generals opinion, that these witnesses should be served with subpœna's from the Court, which can now be got since Bills have been found against them. I cannot take upon me to answer for the success even of that remedy, but having so great Authority for it, I have mentioned it to Mr Webb, because I do not know a better.

The time approaches when I believe your Grace will think it proper to restore Magistrates and Town Council to this City. I took the liberty to assure his Royal Highness as he passed, that notwithstanding what had been said of the disaffection of this City, yet it was certain that by far the majority of the trading people of this Town were Whigs,

[1] The Judges "after long reasoning" allowed witnesses to be sworn after the Scottish practice.—*Scots Magazine*, vol. viii., p. 438.

and that whether the Elections were to be made by the late Magistrates and Town Council, or by a Poll, we should have a Whig Magistracy, and I am still of the same opinion.[1]

Lord Albemarle is expected here on Thursday. The eldest son of Lord Lovat surrendered, and is by Lord Albemarle's orders sent to Inverness.

I have the honour to be always with the greatest respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed :—Rd. 25.

XIII.

THE LORD JUSTICE-CLERK TO ANDREW STONE.[2]

Edinb. 16 Sep[r] 1746.

Sir,

I am this day favoured with your letter of the 8th Instant, enclosing by order of my Lord Duke of Newcastle two Recognizances entered into before you, by James Grant Esq[r] and the Reverend M[r] John Grant, for their personal Appearance before his Majesty's Court of Justiciary in Edinburgh at the first sitting of the said Court after the first of December next, to which you desire me to return them. I suppose you mean, that I should put these Recognizances into the hands of the Clerk Justiciary, to be by him moved to the Court at the said day, which I shall not fail to do, and to observe such further directions as I may have in that affair.

I have had nothing of late to trouble his Grace the Duke of Newcastle with; any intelligence I got I immediately laid it before the Earl of Albemarle, who I know writes regularly to my Lord Duke, and indeed by all the intelligence L[d] Albemarle or I have got it dos not with any

[1] The election took place on November 24, 1746, when the Lord Justice-Clerk's prediction was verified. *Cf. Scots Magazine*, vol. viii., pp. 516, 545-47.

[2] *S. P. Scotland, Geo. II. Bundle* 34. *No.* 23.

certainty appear whether the Pretender's Son does yet remain in the Highlands or not. I am, with Lord Albemarle's approbation, laying a scheme for getting more certain intelligence about the Pretenders's Son, Barrisdale and others.

Most of my time of late has been taken up, by his Grace's directions, in corresponding with Mr P. Carteret Webb at Carlisle, and you will see by the enclosed copy of my letter to him of the 9th that I thought my labours as to that particular were at an end; but on the 11th he wrote me that one indited by the name of Mr Charles Douglass, of Manchester, had pleaded he was *Lord Mordinton*, a *peer*,[1] and Mr Webb there upon was pleased to ask me several questions, repeated in the copy of my answer to him dated the 13th; these copys of my answers to Mr Webb, if you think proper, please lay before His Grace the Duke of Newcastle, with my most respectful compliments.

And do me the justice to believe me to be with particular regard and real Esteem,

Sir,

Your most obedient and most humble Servant

AND. FLETCHER.

Mr Stone.

Endorsed:—Rd. 22. A.S.

(*Enclosure I.*)

THE LORD JUSTICE-CLERK TO PHILIP CARTERETT WEBB.

Edinr 9 Sepr 1746.

Sir,

I was duly favoured with yours of the 4th from Carlisle, and as you desired, Witnesses are sent against James Brann,[2] Quarter Master. I have enclosed the examinations of two of the Witnesses who are Evidence, also against the person who calls himself Col. Innes. Mr Gray had a note of more Evidence against both these persons.

[1] His plea, "tho' at first opposed by the King's council," was allowed.—*Scots Magazine*, vol. viii., p. 438.

[2] James Brand, watchmaker. He was found guilty.—*Scots Magazine*, vol. viii., p. 438.

Every thing that Mr Gray wrote for, by your direction, that could be done, is done, and what could not be done, is otherways amply supplyed, but other and better witnesses, for which I need only refer to the answers wrote by Mr Solicitor Home and me to Mr Gray; and we have at last got full proof against Arnpryor,[1] a difficult task, for by his art and interest he had till now been able to stiffle all direct evidence against himself. I send enclosed the Examinations of three witnesses against him, who set out this morning for Carlisle under the conduct of Mr Yooll, a very zealous man, who can be a witness against McDonald of Kinloch Moydart, who was the first that received the Pretender's Son under his roof.

Upon the whole you have now a very full proof sent you against the prisoners, much stronger than I had reason to hope for, considering the obvious difficulties that lay in the way, and as the bringing this about has cost much trouble and great expence, I am perswaded that nothing will be wanting to make the proper use of it for convicting such notorious Criminals and dangerous Enemys to our constitution, and thereby bring them att once under the power of the Crown, particularly those of distinction for their rank and station in the world, or for their own wickedness.

Arnpryor is a shroud man of a tolerable Estate, and (as I have observed) has had art and influence till now to stifle any material strong evidence against him, and till more than ordinary skill was used to get the witnesses now sent against him, and if these should not be sufficient, all possible care is taking to get more. Give me leave, Sir, to observe that it is of more consequence to his Majesty's Service and for the peace and quiet of the country to get rid of such a person of rank and ability as Arnpryor, who is artful and able to poison a whole County, than to convict ninety and nine of the lowest rank of Rebels; so much I think myself bound as His Majesty's Servant, and entrusted by him, to take notice to you, that you may bend your greatest attention to the points that are most material.

I hope you found the persons I sent for your assistance, Messrs Miller, Gray, Henderson and Campbell, zealous and useful; pray favour

[1] Francis Buchanan of Arnprior. He was executed at Carlisle on October 18, 1746. *Cf. Scots Magazine*, vol. viii., p. 498.

me so much as let me know particularly how you find them; they appeared to me the most proper persons I could think of.

I am with particular regard

Sir,

Your most obedient humble Servant

(Signed) AND. FLETCHER.

Vast numbers of persons have been subpœnaed here, on the part of the prisoners, who are believed to know nothing of the matter; as that may be done to favour some plea for the prisoners should these persons decline to attend, I have sent the enclosed from the Minister of the parish where I usually reside as an instance of these vexatious Summondses.

Endorsed:—In Ld Justice Clerk's to A. S.
of Sepr 6, 1746.

(*Enclosure II.*)

THE LORD JUSTICE-CLERK TO PHILIP CARTERETT WEBB.

Edinburgh 13th September 1746.

Sir,

I am favoured with yours by Express from Carlisle of the 11th with a copy of a plea put in by Mr Charles Douglas, indicted for High Treason, and of an Affidavit and certain papers annexed, given in in support of it, and you desire me, by Express, to send you my thoughts concerning what may be offered to repell it, and my opinion whether he be intitled to that peerage, and you desire also to know whether by the law of Scotland, if the patent of creation of peerage does not appear, it is presumed that the title descends to the male heir of the person first seased, or first in possession, in exclusion of the heir female of the person last in possession.

In answer to which I send enclosed Return of the Lords of Session to an order of the Right Honourable The Lords Spiritual and Temporal in Parliament assembled on the 12th June 1739, Requiring the Lords of Session in Scotland to make up a List of the Peers of Scotland at the

time of the union, whose peerages are still continuing &c.—and you will observe that the peerage of Mordington is in that list.

By the Extract produced to the Judges at Carlisle and swore to, whereof you have sent me copys, it appears that a Lord Mordington voted in the Scots parliament before the Union, and at several elections of the Peers of Scotland since that Union.

Whether the person now indicted under the name of Mr Charles Douglas is Lord Mordington? The Court will judge upon the evidence that is offered.

As to your last question, in point of law, all I need say is, that in that case betwixt the heir male and the heir female of the Lord Lovat, where no patent appeared, the Court of Session were of opinion, that by the law of Scotland, the peerage of Lovat did descend to the male heir of the body of the person first seased or in possession in exclusion of the heir female of the person last in possession.

I am, Sir,

Your most obedient humble Servant

(Signed) AND. FLETCHER.

Mr Philip Carteret Webb.

Endorsed:—In Ld Justice Clerk's to A. S. of Sepr 16, 1746.

XIV.

The Lord Advocate and Lord Justice-Clerk to the Duke of Newcastle.[1]

Edinburgh, Oct. 15th 1746.

May it please your Grace,

We have the honour of your Grace's letter of the 7th instant, signifying to us his Majesty's pleasure, that we should report our opinion, "Whether in the present Conjuncture there is reason to believe that a bill of Indictment would be found against Lord Lovat by a Grand Jury to be summon'd in the County of Inverness for that

[1] *S. P. Scotland, Geo. II. Bundle* 35. *No.* 8.

purpose, upon producing sufficient evidence to support the Charge". —In order to give obedience to which we have been these two days making the best inquiry that we could here concerning the Freeholders of that county, whether holding their lands immediately of the King or others, and by the best information we could get, found these to be very few in number, insomuch that hardly could a list of twenty four persons be made up of Freeholders well affected to his Majesty, exclusive of Peers, the Lord President of the Session, and of five Gentlemen who have Estates in that County and are all members of the House of Commons, namely, the Lord Fortrose, Sir James Grant and his son, Mr Macleod, and Mr Campbell of Calder, and at the same time, of these twenty-four our information suggested reasons of doubt to many of them concerning their readiness to find a Bill against the Lord Lovat.

That your Grace may be the less surprised to hear this scarcity of Grand Jurors in so extensive a County, we beg leave to take notice that this very County has been the chief source and strength of the late Rebellion, as comprehending in it the principal Rebel Clans, by whom the bulk of the County is occupy'd—for besides the Frazers themselves, from this County there were in the Rebellion, Lochiel with the Camerons, a number of Macdonalds of the several Tribes of Glengary, Keppoch, Glenco, Clan Ronald and Morar, with Mcphersons, Mcintoshes, Mcgillivraes, Macleods of Rasa and Chisholms. And we may farther observe to your Grace as another evidence of the Temper of this County, that it is not many years since the number of Gentlemen qualify'd by taking the oaths and otherwise to vote in elections to Parliament did not exceed six, and to this day they do not much exceed the double of that number.

There is one other Consideration that is of some moment in forming an opinion on a question of expediency, which at best can be only conjectural, and that is, that Persons of lower rank living in the neighbourhood of Lord Lovat's Clan, however willing or well disposed they might be to do an Act of Justice to the King and the Publick against him, if no bad Consequences to themselves were to be apprehended, yet may be intimidated by their apprehensions of the Resentment of his Family or Clan.

For these Reasons, in answer to your Grace's Question, we cannot forbear saying—That there is too much ground to doubt whether a Bill

of Indictment would be found against Lord Lovat by a Grand Jury to be summoned in the County of Inverness, even upon producing sufficient evidence to support the Charge.

We have the honour to be with great respect,

May it please your Grace

Your Grace's most humble and most obedient Servants,

WILLIAM GRANT.
AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 19 by Express.

XV.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinbr, 16 Decr 1746.

My Lord Duke,

Yesterday I had the honour of your Grace's Commands of the 9th, and it gives me great joy to know that Mr Drummond's[2] being chosen Provost of Edinburgh is agreeable to his Majesty. I cannot entertain the least doubt but the consequences of this Election (with the smallest attention) will be the fixing the Magistracy of Edinburgh for the future in the hands of persons truly affected to his Majesty's person and Government.

I have received an extract of the examinaton of Murray, Secretary to the Pretender's Son, relating to Sir John Douglas,[3] and I shall endeavour to the utmost of my Power to obey his Majesty's commands in procuring further lights into that affair in the most prudent and cautious manner, and with as much secrecy as possible; meantime, according to my orders, I have communicated your Grace's letter to Lord Albemarle, and acquainted his Lop of the steps I am taking.

I make no doubt that Sir John Douglas was in January last at Banockburn, not only from the circumstances your Grace has mentioned,

[1] *S. P. Scotland, Geo. II. Bundle* 35. *No.* 43.

[2] George Drummond, one of the Commissioners of Excise.

[3] *Cf.* Bell, *Memorials of John Murray*, pp. 433 *et seq.*, and p. 13, note, *supra*.

but also from what I have already picked up from a friend of Dumfriesshire, where it has for some time past been reported that Sir John Douglas upon his coming from England in Jany last went straight to Glasgow, on pretence to see his children then at school there, and that he went from thence to Banockburn during the seige of Stirling.

Patrick Campbell and one Mr Spalding, employed about that time by me to get intelligence of the Rebels, were a day or two before the Rebels fled northward taken prisoners by them, and came to Banockburn, and [were] examined by Murray, who then lodged in the House of Banockburn with the Pretender's Son, but neither of them saw any person there that answered the description of Sir John Douglas, and possibly he was gone before their time. Patrick Campbell made his escape and was the first who informed his Royal Highness the Duke of the flight of the Rebels. I recommended this Pat. Campbell to Lord Albemarle to make a circuit through the disaffected parts of the Highlands, and your Grace will have received a copy of his Report,[1] which I believe is too true and shows the necessity of doing something to purpose there how soon the season permits; as from experience I trust to this Campbell, I have with Lord Albemarle's approbation sent him with instructions to Banockburn and Glasgow, and shall by him and other methods endeavour to trace Sir John Douglass motions and his being at Banockburn.

Meantime give me leave to acquaint your Grace that David Gray, a servant of Murray's, is now in St Martin's Lane at Mr Ward's one of the King's messengers, and that James Stewart, butler to Murray, and who was with him at Banockburn, is now at Carlisle among those designed for Transportation, who possibly may know some things material in this affair. It might be also of use to know if Sir John Douglas has the same servants he had in January last, if not, who was then his Groom or Footman?

With relation to Benjamin McBean, I immediately sent for him, and examined him with the greatest care, but am convinced that he knows nothing material about Lord Lovat, for whom he did not seem to have any regard. I have enclosed a copy of his examination; so I have told the messenger that he may proceed to London without delay

[1] *Supra*, No. CLXXVIII. (Enclosure i.).

Look here upon this Picture, and on this
The counterfeit Presentment of two P——s
To give the World Assurance of a Man
Look you now on the other
Blasting his whelsom Country Have you Eyes
Could you on this fair Mountain leave to feed
And batten on this Moor? Ha! have you Eyes
You cannot call it Love, for at your Age.
The heyday of the Blood is tame, it's humble
And waits upon y'Judgment & what Judgment
Would step from this to this?

with Hugh Fraser; as his wounds are not yet healed, the Messenger conjectures he'le be 17 days on the road.

I have desired a List to be made out of all the Ministers and Teachers who have lately qualifyed themselves according to Law, and after making the proper inquirys I shall have the honour to transmit the same with remarks to your Grace.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble servant,

AND. FLETCHER.

The Writ for the Election of a Member of Parliament for the Shire of Ross being transmitted to me under your Grace's cover, I have taken the liberty to transmit Sr Harry Munro's Return under cover to himself.

Duke of Newcastle.

Endorsed:—Rd. 22nd.

(*Enclosure.*)

EXAMINATION OF BENJAMIN MACBEAN.

Edinburgh, 16th December 1746.

In presence of The Lord Justice Clerk, Compeared Benjamin M^{c}bean prisoner in Edinburgh Goal, late servant to Major M^{c}bean, and being Examined Declares that in spring 1743 the Declarant attended his Master to Castle Downie the House of Lord Lovat in order to meet with the Laird of Lochiel then at Lord Lovat's house, who being their lying ill had sent for Lochiel. That his Master's business with Lochiel was to give Lochiel part of the money due to him by Mr Cameron of Stroan and about some Cattle stole by Lochiel's Tenants from Strathnairn, the Declarant's Master being then Master of the Watch, but did not hear of any discourse among them, vizt Lord Lovat, Lochiel and the Declarant's Master or any others concerning any other matter or thing, and they only staid dinner at Lord Lovat's. The Declarant also attended his Master to the same place in Spring 1745, to meet with Lochiel only about the same affairs, so far as the Declarant had access to know, and at that time they staid only to Breakfast, and did not hear

of any other matters treated of or any discourse concerning Government affairs. That the Declarant and his Master were gone South to Perth before any of Lord Lovat's men were raised or any certainty of their rising. That they arrived there the second or third day of November. The Declarant was taken at the Bridge of Allan about the beginning of February last. That his Master had about sixty men of his name, and they are a tribe of the Camerons by a son of Stroan in Lochaber, but were put into Mcgilivrae's Regiment, and both Mcgilivrae and Mcbean were killed at the Battle of Culloden.

That John Fraser, a Tennent in Stratherick, was the first who raised a Company of the Frasers and came first of all the Frasers to Perth, upon which the Declarant's Master with McGilivrae went to Dundee, where they were when they heard of Lord Lovat's sons coming to Perth with a body of the Frasers. Declares that he knows nothing of Lord Lovat's Engagements to the Rebels or his having any accession to the Rebellion or directing or advising his son or any of his Clan to join the Rebels. And all this he declares to be truth, but declares he cannot write.

AND. FLETCHER.

Endorsed:—In the Lord Justice Clerk's
of Dec. 16, 1746.

XVI.

The Lord Justice-Clerk to the Duke of Newcastle.[1]

Edinbr, 18th Decr 1746.

My Lord Duke,

I had the honour on the 16th to acquaint your Grace, that from the Examination of Benjamin Mcbean it did not appear that the sending him to London could be of any use, and that I had accordingly acquainted the bearer, Thomas Chandler, one of the King's Messengers, that he might without delay proceed to London with Hugh Fraser,[2] in obedience of the orders he had received from your Grace. The Messenger has proposed from Hugh Fraser, that in regard his wounds are

[1] *S. P. Scotland, Geo. II. Bundle* 35. *No.* 48. [2] Lord Lovat's secretary.

not yet healed,[1] he may be permitted to carry a servant with him who dresses his wounds. I told the Messenger I had no directions as to that matter, and that the only inconvenience I forsaw in Hugh Fraser's servant being of the party was, that thereby Hugh Fraser might find means to make his Escape on the Road, which was his business to consider, and as the Messenger is not in the least apprehensive that thereby Hugh Fraser can make his escape, he is to gratifye the prisoner so far as to permit his servant to go with him to dress his wounds.

I have the honour to be with the greatest respect

My Lord Duke,

Your Grace's most obedient and most humble Servant,

AND. FLETCHER.

Duke of Newcastle.

XVII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[2]

Edinbr, 23 Decr 1746.

My Lord Duke,

I had this day at noon the honour of your Grace's Letter of the 20th about the order of the House of Lords to the Lord Advocate, directing him to take the proper methods that Lord Lovat may by his Factors or Agents recover the rents or profits of his Estate, in like manner as if he was not under an accusation of High Treason.[3]

Lord Advocate did communicate to me your Grace's letter of the 9th containing his Majesty's pleasure upon a petition that had been presented by Lord Lovat upon the same subject, in which he was desired to advise with the Lord President. I perceived that no time was to be lost in the Advocate's giving the necessary orders, and Lord Lovat's Chief Agent or Factor being in Town he was immediately sent

[1] *Cf. supra*, pp. 331 *et seq.*

[2] *S. P. Scotland, Geo. II. Bundle* 35. *No.* 53.

[3] On December 18, 1746, Lovat was carried from the Tower to the Bar of the House of Lords, when the articles of his impeachment were read to him. He petitioned that he might be allowed to receive the rents of his estate, seeing that he was without other means of subsistence. His petition was allowed. *Cf. Scots Magazine*, vol. viii., p. 598.

for, and the Advocate after adviseing with the President gave such orders as fully satisfyed Lord Lovat's Agent, and these orders were sent North on Thursday last the 18th Instant, a Copy whereof the Advocate Sends to your Grace by this Messenger, whereby it will appear that by his Majesty's orders, the obstructions to Lord Lovat's receiving by his Factors or Agents the Profits of his Estate were removed before the order of the House of Lords for that purpose was made.

As to what happened here on Saturday last, and the commiting Mrs Mcdougall[1] prisoner to the Castle of Edinburgh, I beg leave to refer to what Lord Albemarle has wrote, having given his Lop what materials I had.

I send your Grace a List of the Nonjurant Episcopall Ministers in the City and County of Edinburgh, but none of them have qualifyed themselves pursuant to the Act of Parliament passed in the last Session, even by taking the Oaths, nor can I yet discover that they have attempted to preach or teach and educate children, but I shall continue to be upon the watch.[2]

As to Sr John Douglass, the person I employed has traced him at Glasgow in January last with two servants and three horses; by the marks of these I am in hopes he'le be traced to Banockburn &c.

I have the honour to be with the utmost respect

My Lord Duke,

Your Grace's most obedient and most humble servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 26th (by Cleverly).

[1] *Supra*, pp. 338, 349.

[2] An abstract of "An Act more effectually to prohibit and prevent Pastors or Ministers from officiating in Episcopal meeting houses in Scotland, without duly qualifying themselves according to law" is printed in *Scots Magazine*, vol. viii., p. 364. From the same (p. 446) it appears that by September, 1746, five Episcopal ministers had qualified in terms of the Act, namely, Messrs Walker of Old Meldrum, Laing of Puttachie, Livingston of Old Deer, Skinner of Longside, and Farquhar of Dumfries.

(*Enclosure*).

LIST OF THE SEVERAL EPISCOPAL MINISTERS WITHIN THE CITY AND COUNTY OF EDINBURGH.

Their Names.	Places where they kept their several Meeting-houses.
Mr Alexander McKenzie & Mr James Wingate .	Forglen's Back land, Edinburgh.
Mr William Harper & Mr Alexander McKenzie	On the East Side of Carrubbers Closs Edinburgh.
Mr John McKenzie . .	In Grays Closs Edinburgh.
Mr Robert Keith . . .	Baillie Fife's Closs Edinburgh.
Mr James McKenzie . .	The West Side of Nidry's wynd Edinburgh.
Mr Alexander Robertson .	The foot of Carrubber's Closs Edinburgh.
Mr Addison . .	At the head of Chalmers's Closs Edinburgh.
Mr Blair . .	The Skinners Hall Edinburgh.
Mr David Rae and Mr Patrick Gordon .	The Old Assembly Closs Edinburgh.
Mr Thomas Carstairs . .	At the head of Nidry's wynd Edinburgh.
Mr William Law and Mr Patrick Forbes .	In the Town of South Leith County of Edinburgh.
Mr Henry Fowlis . . .	Town of Dalkeith and County of Edinburgh.
Mr William Forbes . .	Town of Musleburgh Do County.

Endorsed:—In the Lord Justice Clerk's
of Decr 23d, 1746.

XVIII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 4th February, 1747.

My Lord Duke,

This day I had the honour of your Grace's letter of the 31st January, wherein you are pleased to acquaint me that Mr Attorney General having perused the Precognitions which I transmitted to Mr Sharp relating to Lord Lovat, was of opinion that several of the witnesses therein mentioned (the list of whom I have received) are very material to be examined at the Trial of the said Lord Lovat on the 23d of February, the day appointed for that purpose, and that your Grace was commanded to acquaint me with His Majesty's pleasure that the persons named in the said list should be forth with desired to come to London in the most expeditious manner. And your Grace is pleased to recommend it to me to give the necessary orders for their being sent thither without loss of time and to supply them with what money may be necessary for the expence of their journey, and to assure them that all their charges shall be borne with a reasonable satisfaction for their trouble and loss of time.

Being much indisposed and confined to my bed, Lord Albemarle was so good as to come to me, and in concert with his Lordship (forseeing no small difficultys in getting His Majesty's commands speedily and effectually obeyed) we have both wrote to the Earl of Loudoun to use his best endeavours, and I have sent Mr Alexander McMillan, Deputy Keeper of the Signet, to be subservient to my Lord Loudoun, and with proper authoritys, directions and recommendations to all Officers of the Law and Friends &c., with money for defraying the necessary charges. And this seemed to Lord Albemarle and me as the most probable way of success.

As soon as I get any health I shall try what can be done in bringing the other affair[2] to light.

[1] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 26. [2] Sir John Douglas's.

May I beg your Grace's pardon for using another hand, and for that reason for not writing more fully.

I have the honour to be with the utmost respect,

My Lord Duke,

Your Grace's most obedient and most humble Servant,

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 11th.

XIX.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 11th February, 1747.

My Lord Duke,

Yesternight Messieurs Campbell and Henderson arrived here from Inverness and brought with them the Precognition taken pursuant to the Attorney General's opinion at the desire of Mr Sharp, which Precognition I send herewith under cover to Mr Sharp open in case your Grace has time to glance it over; you will find William Fraser, of Egist, one of the witnesses touches Mcleod. These Gentlemen also brought with them Mr Robert Fraser,[2] who is so far in his way in obedience to your Grace's commands to attend the Committee of the House of Commons appointed for managing the Trial of Lord Lovat, and sets out to-morrow under the care of Mr Patrick Campbell, and Mr Charles Stewart, of whom Lord Albemarle writes fully to your Grace,[3] goes with them, and as that person does not seem so fond of the journey Lord Albemarle and I were of opinion that it was necessary Mr Campbell should have a proper assistant to go along with him. I have wrote to Mr Sharp to let him know what money I have given them that so he may settle accounts with them.

I had the honour to acquaint your Grace that I had sent Mr MrMillan North to act under Lord Loudoun in prevailing with the

[1] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 32.

[2] Of Castle Leathers. [3] No. CXCVI., *supra*.

persons contained in the list transmitted to me by your Grace to go directly to London, and I have now accounts that Mr McMillan met Lord Loudoun at Taybridge in his way hither, and that his Lordship returned to Inverness with Mr McMillan, and I am hopeful soon to hear of their success.

I find Fraser very willing to tell all he knows, his father Castle Leathers, who was Curator to Lord Lovat's estate, so far as I have been informed was useful to it, and merits some consideration for his services.

From the intelligence transmitted to your Grace by Lord Albemarle, it appears that great pains is taken to keep up a spirit of Rebellion in the disaffected parts of the Highlands and North of Scotland by giving them hopes of a French Invasion, and till some effectual general measures are taken for re-establishing the peace of that country, these Sowers of Sedition and Rebellion will meet with too much encouragement and continue a thorn in our side.

I always have the honour to be with the utmost respect,

My Lord Duke,

Your Grace's most obedient and most humble servant,

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 15th.

XX.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 17th Febr 1746/7.

My Lord Duke,

Charles Stewart, who by your Grace's directions to Lord Albemarle was sent to London, did not seem to like the journey, as I formerly had the honour to observe to your Grace, and though at Lord Albemarle's desire I took some pains to shew him it would be for his interest to tell the Truth, and though he made fair promises, I could

[1] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 35.

observe that his head did not go along with his tongue, and that he inclines really to be hide bound. To make a further experiment on him, the night before he set out for London I sent in to prison to him a person of his own way of thinking, who among other things, having asked him what carried him to London, he said he suspected it was his old master,[1] John Murray of Broughton, upon which ye person I sent said, if that is the case the less merite you leave him the better, and advised him to make a clean breast, upon which Charles Stewart said, matters were not yet at so low an ebb, for that he verily believed affairs would soon take another turn and wished to God he had his liberty again. I thought it my duty to acquaint your Grace of this, at the same time it may be inconvenient to let Charles Stewart know any thing of this, as the person I employed to converse with him is now employed with Lord Albemarle's approbation to try to be useful in apprehending Clunie M^c^pherson, who seems to be at present the person among the Rebels of most consequence to the Government to be laid hold of.

I have accounts from M^r^ M^c^Millan, dated 11th instant from Inverness, that Lord Loudoun and he arrived there the 10th and are doing all they can to prevail with the witnesses against Lord Lovat to attend his Trial, but that they meet with difficultys, particularly from one Fraser, a Solicitor sent from London to pick up witnesses for Lord Lovat, and who uses all means to prevent witnesses from going up against him. I am every moment looking for more particular accounts, meantime I am glad to hear Lord Lovat's Trial is to be put off for some time,[2] for as we have here a great fall of snow and very stormy weather it is almost impossible that the witnesses, however willing, could be at London by the 23^d^.

We have nothing material from the Highlands, which makes me begin to doubt what we heard of a ship landing Arms at Egg &c.

When I hear any thing material about Ld Lovat's witnesses or from the Highlands it shall be sent by Express. This comes by an

[1] In his *Memorials* (p. 289) Murray describes Stewart as "one of his Clerks". *Cf. ibid.*, pp. 290, 292, 483.

[2] Lovat's trial was originally fixed for January 13. It was then postponed to February 23, again to March 5, and finally to March 9.—*Scots Magazine*, vol. viii., p. 596; vol. ix., pp. 45, 88, 101.

Express sent and paid for by William Fraser, an Agent of Lord Lovats.

I have the honour to be with the utmost respect

My Lord Duke,

Your Grace's most obedient and most humble servant

AND. FLETCHER.

The London post due yesternight is not yet arrived at 10 at night.

Duke of Newcastle.

Endorsed:—Rd. 22d.

XXI.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinbr 23 Febr. 1746/7.

My Lord Duke,

I send your Grace a list of the witnesses who set out this morning from this for London, which contains the whole in the List your Grace sent me except four, and of these four there are already two gone as witnesses in defence for Lord Lovat, viz. Alexander Fraser, merchant in Inverness, and John McJames in Drenie or Red Bank near Beaufort. The other two are James Fraser of Fanblair and Alexander Fraser of Tomnavaulin in Abertarf. By a letter I had from Mr McMillan of the 16th from Inverness the first of these, Jas Fraser of Fanblair, had not only agreed to go up but had taken money from Mr McMillan for defraying his charges to Edinburgh, but notwithstanding thereof, by a letter I had from Lord Loudoun of the 18th, I find he has since given them the slip and absconded, and my Lord Loudoun desires to know whether it is proper to use force, and in that case doubts not of finding him. But I should think that a man who is capable of such roguery is as well away as to be trusted with the other witnesses, and as to Alexander Fraser of Tomnavaulin, my Lord Loudoun in the same Letter writes me that he had been with him and was to set out next day for this place, but I have not yet heard of him.

[1] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 38.

Mr Schives of Muirtown, one of the witnesses,[1] and who is nearly allied to Lord Lyon, has been always reputed as Whig and to him and his example in a great measure is owing the evidence that has been discovered by these recognitions against Lord Lovat, and though past sixty he comes cheerfully in the service of his King and Country, and therefore I beg leave to recommend him to your Grace's favour and protection, and that you may be pleased to take some notice of him.

Hugh Fraser of Dumballoch, another of the witnesses, who I believe will tell the truth,[2] though a Fraser, has a brother a Volunteer in the Train, your Grace's recommending him to the officers of the Ordinance is a favour I promised to them to beg of your Grace.

Thomas Fraser of Struie had very ill will to march and begged to be off. Lord Loudoun left all their objections and difficulties to be settled by me, and though I believe he will prove a very constipate witness yet I did not think it adviseable to gratifye him, because if he had obtained leave to stay at home, most of them would [have] grumbled if they had been refused the same favour, and so after converseing too and again I perswaded him to march, and after all the trouble and expence I heartily wish they may come in time; upon receiving a letter from Mr Sharp to hasten them, I prevailed with such as could post to proceed with the utmost dispatch, but none of them are very good horsemen; but however, six of them have undertaken it, and the other six mostly weak, old and infirm, with the help of post chaises, are to make what haste they can; it was utterly impossible to get them forwarded with more expedition.

I have the honour to be with the utmost respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 28 (by Jackson).

[1] His evidence is printed in *Scots Magazine*, vol. ix., p. 103. His name is there given as Robert Shevize.

[2] His evidence is in *Scots Magazine*, vol. ix., p. 109.

XXII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinbr 25 Febr 1746/7.

My Lord Duke,

The enclosed was wrote on Monday in hopes to have gone by Lord Albemarle's express, which was delayed till this morning, and with respect to the witnesses against Lord Lovat, I have nothing further to add, but that Mr Donald Fraser, minister of Killearn, the first witness in the 2d precognition arrived here yesternight, and sets out to-morrow. I am glad Lord Lovat's Trial was, upon his own application, put off till the 5th of March; by that time all the witnesses will be arrived at London. I send enclosed a list of the witnesses that have gone for and against Lord Lovat, made up by Lord Loudoun, who has managed this affair with the greatest activity and prudence.

I have seen His Majesty's directions about the prisoners in your Lops letter to Lord Albemarle, and in obedience thereto I met with his Lop, Genl Huske and Lord Advocate. As in obedience to the directions I had the honour to receive from your Grace, all the prisoners in Scotland, against whom there was evidence, or hopes of it, were in August last sent to Carlisle, the number of the present prisoners against whom there is sufficient evidence must be very small, and lists of them distinguished, as your Grace has been pleased to direct, will be transmitted as soon as possible; as to the others against whom no evidence has been procured, and whom His Majesty is most graciously pleased should be discharged, After taking nótice that notwithstanding the expiration of the Act of the suspension of the Habeas Corpus Act, our Habeas Corpus Act allows prisoners for Capital Crimes to be detained in Prison 60 days before his Majesty's Advocate is obliged to bring them to Trial, and in case of commitments for Treason they may after these 60 days be detained till they find Bail to compear at any time within 12 months and for their good behaviour in the mean time, We were all of opinion that it might be for his Majesty's service not to dismiss them all at once, as if intituled to it in point of Right, and thought it more prudent

[1] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 42.

to discharge them, at least the most suspected of them, piece meal, as a matter of favour from the Crown, upon their finding what Bail they could in terms of our Habeas Corpus Act, even before the lapse of the 60 days. As to all which I shall be glad to be honoured with your Grace's Commands. I have already discharged eight prisoners against whom there was no evidence nor hopes of any upon their finding Bail as aforesaid; as they offered Bail, I thought there was no harm in taking it.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 28 (by Jackson).

XXIII.

THE LORD JUSTICE-CLERK TO ANDREW STONE.[1]

Edin^r^ Thursday, 5 March 1746/7.

Sir,

I have just time for a Private Express y^t^ is going to London to acquaint you that the Earl of Albemarle sailed early this morning with a fair wind with the Transports,[2] but the wind turning easterly before they got the length of the May, the convoy and Transports returned about 4 o'clock this afternoon to the Road of Leith, and the wind still continues easterly. I beg you'll acquaint his Grace the Duke of Newcastle with this.

I am with particular regard

Sir,

Your most obedient and most humble servant,

AND. FLETCHER.

Mr Stone.

Endorsed:—Rd. 9.

[1] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 45.

[2] Howard's Old Buffs, Campbell's Scots Fusiliers, with Fleming's, Dejean's and Conway's regiments accompanied Lord Albemarle to Holland.—*Scots Magazine*, vol. ix., p. 92.

XXIV.

THE LORD JUSTICE-CLERK TO ANDREW STONE.[1]

Edin[r] 9th March, 1746/7.

Sir,

Having this opportunity, please know that Lord Albemarle sailed with the Transports from Leith on Friday morning[2] with a very fair [wind] which has continued, so that we have good hopes his Lop by this time is on the coast of Holland and may be at Williamstadt to-morrow. I have sent the report about the Prisoners signed by G. Huske and me to the King's Advocate. Lord Albemarle, who agreed with us on every point, was sailed before the report could be wrote out fair.

I am with the greatest regard and esteem

Sir,

Your most obedient humble Servant,

AND. FLETCHER.

M[r] Stone.

Endorsed:—Rd. 14th.

XXV.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[3]

Edinburgh, 20th March 1747.

My Lord Duke,

The Reverend M[r] Mackie, Minister of the Gospell at S[t] Ninians, designs to have the Honour of waiting on your Grace and delivering this. The circumstances of his case[4] will I hope plead my Excuse for taking the liberty of giving your Grace this trouble.

The poor of the parish of S[t] Ninians near Stirling are among the most remarkable Sufferers by the late wicked Rebellion and their case

[1] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 45.

[2] March 6.

[3] *S. P. Scotland, Geo. II. Bundle* 36. *No.* 49.

[4] *Cf.* No. CCI., *supra.*

is singular—A sum of about £600 sterling had by Mortifications and Contributions been collected for their Maintenance, and that sum had been employed in building an Isle joining to and making part of the Church of St Ninians, and by letting the seats in that Isle a considerable annual sum was raised for the support of these poor. The Young Pretender and his Adherents, provocked with the steady zeal of Mr Mackie the Minister to our present happy Establishment, who could not even by the whole Rebel Army be frighted from doing his duty and praying for the King and the success of his Arms, contrived a very silly but cruel piece of Revenge by blowing up that Church, probably hoping at the same time to destroy the Minister or some of his friends. The Church and Isle were accordingly blown up and 16 or 17 persons perished, and the Ministers house much dammaged, and the poor have lost this fund for their subsistence. The Heretors are now about to rebuild the church but won't rebuild the Isle, and the poor have no fund to do it, which has induced Mr Mackie, whose zeal was probably the cause of their loss, to go to London in order to lay their case before His Majesty and to implore his bounty to repair it, and is desirous to put himself under your Grace's protection.

I have the honour to be with the utmost respect,

My Lord Duke,

Your Grace's most obedient and most humble servant,

AND. FLETCHER.

Duke of Newcastle.

XXVI.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 9th April 1747.

My Lord Duke,

I had the honour of your Grace's letter of the 27th of March, with his Majesty's commands that I should not go the Circuit this summer but remain at Edinburgh, which I shall carefully obey. But

[1] *S. P. Scotland, Geo. II. Bundle* 37. *No.* 4.

this oblidges me to mention to your Grace a matter that has been often stated to those in power, and that is, a doubt in the Law of Scotland whether in the case of the absence of one of the Judges the other Judge who goes the Circuit can try any cases. At present it is the opinion of the Court that one Judge has not power, and therefore it seems exceeding necessary that that difficulty be forthwith removed by a new Statute, otherwise there must be a Surcease of Justice this summer in the North Circuit, which is my Tour to go, and where there are several indictments or Criminal letters gone to be executed, particularly at Aberdeen. And in hopes that such a Law will be made, I am as long as I can to keep secret his Majestys Commands to me, least their being known should stop the execution of the indictments and letters, because the Trials could not come on without two Judges.

As to John Bayne[1] I have done every thing in my power to get hold of him, and I am heartily sorry to tell your Grace that hitherto all my endeavours have been without success. I had got information of his being at Culdares in Broadalbane, and there upon in concert with Lord Breadalbane's Doers here, I employed his Lop^s^ Steward to cause the Keeper of his Forest (because he would be least liable to suspicion) in the neighbourhood of Culdares to search for John Bayne, and to take the assistance of a party of Broadalbane men to seize him, for which purpose I gave him a proper warrand, and gave him unlimited credit to spare no Expence that was necessary, and in case of their seizing him, gave him an order to apply to the commanding officer at Perth for a party of the Troops to carry him to Edinburgh, and Lord Breadalbane's Steward, after search, having reported to me that John Bayne was gone from Broadalbane and returned to Appin, the Country of the Stewarts, I employed the Sheriff of the shire of Argyleshire and Mr Campbell of Airds, whose house is near to Appin, to search for him there and seize him, and if they should have any use for it, to apply to the Governour of Fort William for a party either to seize or conduct him hither; and these Gentlemen not finding him, but having got intelligence that he was gone to Rannoch to meet M^c^pherson of Clunie and others, Captain Campbell of Inveraray with a party of Troops were

[1] John Bain was Murray of Broughton's servant. In Murray's examination on February 8, 1747, he states that Bain was then, as he believed, in France. *Cf.* Bell, *Memorials of John Murray*, p. 483.

sent to Rannoch by General Huske to seize such as should come to that meeting, and I gave particular instructions to Captain Campbell to search both in Rannoch and Breadalbane for Bayne, and I send your Grace a Copy of two of his letters to me of the 19th and 27th of March, both of them acquainting me of his diligence and want of success. I also some time ago applied to Bayne's wife, who then lived at Edinburgh, and endeavoured to perswade her to bring her husband to me, and promised that he should not be made an evidence against his old Master Mr Murray. But I had not any better success with her. And upon receipt of your Grace's letter, I have with all the earnestness in my power repeated my instructions to the Sheriff of Argyle and Mr Campbell of Airds, and there is but one other expedient that I can possibly think of, it must probably be an expensive one, but since his Majesty is so desireous to have him seized, I dare say your Grace would blame me if any labour or Expence were spared, and therefore I am forthwith to go on with it until your Grace forbid me, and the expedient is to find out some person in appearance at least of Baynes way of thinking, and who will probably be trusted by him or not suspected of any design, and that this person should trace him and follow him where ever he goes throughout all Scotland until he finds him, and either find a proper opportunity himself of seizing him, or give notice to proper persons who may seize him, or both. Your Grace may believe that it will require a pretty high reward, in case of success, to prevail with a proper person to undertake this, and it must cost some expence in all events.

Some time ago I acquainted your Grace of another person that I was in search of, viz. Christopher Hislop, who had been servant to Sr John Douglass, that upon intelligence of his being in the Shire of Dumfries I had granted a proper warrant and employed some persons to seize him, but that the Report made to me was that he was gone to Yorkshire, of which County he was, and there I had no power to search for him. I have not yet heard any accounts of his return to Scotland, but yet I imagine it is possible he may some time or other return to the country, where his masters House and Estate are; at the same time I know it would be to no purpose to send any party there to search, because they are upon their Guard; the device therefore that I have tried is, to employ an Excise Officer from time to time to search every

place that he can suspect, because these officers are in use of searching for concealments of another kind and therefore they will not be readily suspected.

I likewise acquainted your Grace that one of Mr Murray's late Servants, David Gray, whom I had sent to London about the Bill of Attainder, was then in the hands of one of the Kings Messengers in St Martins Lane, and that Stewart, another of them, was at Carlisle, that I sent an acquaintance of his to converse with him there, and that he knew nothing about Sr John Douglass, and I do not know any other of Mr Murrays Servants, or any other person that can be of use in that Question, unless your Grace shall direct me to examine Sr Hugh Paterson and his principal servant, but then such an examination will make a discovery what we are in search of, and probably will not be of great use.

Your Grace also desires me to find out some persons acquainted with William McGregor, alias Drummond of Bochaldie, who can swear to his hand writing, and have seen him sign his name. That man was, as I am told, also concerned in the Rebellion 1715, and what creates the difficulty in executing that part of your Grace's Commands is, that for many years he has very seldom come to Town. However I found one man, Francis Russell, who frequently corresponded with him and dealt with him in Bills of Exchange, but then he never had occasion to see him sign his name. I send your Grace a Copy of his Examination, whereby you will know whether he can be of any use; he also gave me eight of Drummond's letters, but I have neither sent them nor the principal examination because I design to reexamine him, and to trace the matter as far as I can to find out if possible some person that saw him either sign his acceptance to the Bill mentioned in the examination, or at least saw him pay the money and retire the Bills, and if your Grace wants to have any of his letters that you may see more of his hand writing they shall be sent to you, but I know not if Mr Russell could be prevailed on to go to London, were it necessary.

I have also at last found one John Ross, who was Drummonds partner in Trade and has often seen him sign his name; he makes difficulty in going to London. However I am hopeful to be able to persuade him. But then if Russell is of no use, Ross will be but one witness, and till I have your Grace's further order I know not whether

I should endeavour to send him unless I find another to concur with him. For which purpose I have wrote to a man I can trust, Mr Findlayson, Commissar of Dunkell, who lives near to the place of Drummonds ordinary Residence, to find out some persons who know his hand writing and have seen him sign his name, and to send them to me.

I also send your Grace copy of information lately sent me by Major Colquhoun of Luss; the moment I received it I laid it before General Churchill, who immediately gave the proper orders for parties to seize the persons informed against.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble servant

AND. FLETCHER.

10th April. P.S.—After putting up this packet I received by Express from Fort William a letter from the Deputy Governor of Fort William, his words are, "this moment I received certain intelligence "that Dr Cameron, brother to Locheil, is landed from France, and he "with his uncle Torcastle went two or three days ago thro' the Braes of "Lochabar on their way to Badenoch to meet with McPherson of "Clunie; my informer tells me likeways that there are 18 ships seen off "Barahead and there are none of the Kings ships but the Tryall Sloop "on this coast:" If his news prove true about the French ships, I must soon know of it from different quarters, and shall not fail to transmit to your Grace what accounts I get.

Duke of Newcastle.

Endorsed:—Rd. 14th.

(*Enclosure I.*)

CAPTAIN CAMPBELL TO THE LORD JUSTICE-CLERK.

Taybridge, 19th March 1747.

My Lord,

I will not trouble you with a history of my Rannoch Expedition as I have given it fully to General Husk. I have had,

privatly, people in Glenlyon and other places in search of intelligence about Bayne and Buchanan, and all I could learn is that Bayne was some little time about Culdares's house but had left it about 5 weeks ago, and that the course he took when he left that place was Southwards towards Breadalbane—Buchanan has not been there that I could find for a long time past, but 'tis believed if he is not gone off the country that he is in Strathayre, a place betwixt Balquhidder and Monteith, which is his native country and where he has a small mealing.

I shall make further enquiry about Bayne as I return from this to Inveraray through Breadalbane, the success of which shall be duly reported to your Lop, and before I left Inverarary the Sheriff wrote to Airds to find out if he had been then in Appine.

(Signed) DUN. CAMPBELL.

Inveraray, 27th March 1747.

As I returned from Taybridge [I] was at pains to procure information about Bayne but could get no other of any signifigance of him than what I mentioned in my last. He was in Appine, as your Lop was informed, where he went in hopes of getting over the water with Ardsheall in a ship that was then expected, and missing of that he returned again to Perthshire, which he soon thereafter left and went to Southward in search of some opportunity of getting away. I have employed some people to trace him and promised proper rewards in the event of success.

(Signed) DUN. CAMPBELL.

Endorsed:—In the Ld Justice Clerk's letter of April 9, 1747.

(*Enclosure II.*)

DECLARATION OF FRANCIS RUSSELL.

Edinbr, 4th April 1747.

In presence of The Lord Justice Clerk Compeared Mr Francis Russell, Surgeon in Edinburgh, and being Interrogate if he knows the

hand writing of Mr William Drummond of Balhadie and if ever he had seen him sign his name, Declares that in the year 1736 and for some-time preceeding the declarant had some dealings with the said William Drummond, and during that time received several letters from him, whereof he now Exhibites Eight, all marked by the said Lord Justice Clerk and the declarant of this date, and believes that the said letters are the hand writing and subscriptions of the said William Drummond, but never remembers to have seen him write or sign his name, but has had occasion to send him bills to the Country for acceptance, and has got them returned accepted in the same way as in the above letters. And declares this to be truth.

(Signed) FRANCIS RUSSELL.

Endorsed:—In the Ld Justice Clerk's letter
of April 9, 1747.

(*Enclosure III.*)

MAJOR COLQUHOUN TO THE LORD JUSTICE-CLERK.

Rosedoe, 5th April 1747.

My Lord,

Upon Friday's night I had an Express from J. D. acquainting me that he was credibly informed that a stranger came to the house of Duchra some days ago, but could not as yet find out who he was, but he is attended by Craigbarnet, Hamilton of Bardowie, Alexander Graham and some lads, and is every night within house roof; he says they stay always betwixt the Duchra and Drunkie's house, and that if Drummond and Buchlivie partys were well guided they would catch the whole; they behooved to be at each of these houses by daylight and to guard well the office houses, the Drummond party to make the attack upon Duchra and the other upon Drunkie's house, which is in the Glen of Downkie; he says there is one George Ritchie, Messenger at Buchlivie, who is the proper person to guide that party, but as they are very much upon the watch it must be very privatly gone about; he says he suspects the Stranger to be Alexander Mclauchlane, but he is not yet sure; he has

heard some accounts of Clunie since he was here and is just going off upon further information towards North.

(Signed) JA. COLQUHOUN.

Endorsed:—In the L[d] Justice Clerk's of April 9, 1747.

XXVII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 14 April 1747.

My Lord Duke,

I had this morning a letter from M[r] Douglass, storekeeper at Fort William, who was trusted and employed by Lord Albemarle to get intelligence; his letter is dated at Fort William the 8th; his words are—"I have had a man I can depend on these ten days in the Country "of Airsaig waiting for news from the Western Islands, and he is not "returned, which gives me reason to doubt of the Report of Ships "having been seen hovering upon the coast of them Islands".

Had there been any truth in the Deputy Governour of Fort William's intelligence I should have heard of it before now from the Sheriff Deputy of Argylle, M[r] Campbell of Aird, or the Magistrates of Campbell Town.

I have not made further discoveries about the hand writing of William Drummond, but hope soon to have an answer from Dumblane.

I have the honour to be with the utmost respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 20.

[1] *S. P. Scotland, Geo. II. Bundle* 37. *No.* 8.

XXVIII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, the 17th April 1747.

My Lord Duke,

I do not hear any more of the Report of French Ships being seen off the West Coast, or any where else, which makes me conclude it was altogether groundless, and had the French any design on this Island, I do not think they would chuse to land any of their own Troops in the West Highlands, where there are no roads, no provisions, no sort of forage. However, as till a Peace is actually concluded we may lay our account that France will do all in her power to distress us, we must as far as possible be on our Guard every where; therefore it is to be wished that some effectual measures were laid down and followed out to establish the peace of the Highlands upon a solid and lasting foundation, by effectually punishing or banishing those we ought to get rid of, and by effectually disarming such as his Majesty may think proper to pardon, and civilizing them by introducing Agriculture, Fisherys, and Manufactures, and thereby by degrees extirpateing their barbarity, with their chiefs marks of distinction, their language and dress, and preventing their idleness, the present source of their poverty, Theift and Rebellion, which would cut off that branch of the Pretender's hopes, and that handle the French have to distress us, whenever they judge it most for their purpose; and at the same time would make that barbarous part of the Island, hitherto a noxious load upon the whole, become hereafter our support and strength, by the produce of our Fisherys and Manufactures, and the great supply of men for our Fleet and Armys, to which the Genius of the Highlanders naturally lead them.

Major General Churchill tells me he has no particular instructions farther than to reside at Edinbr, and act as a Major General on the Staff, and consequently under the command of Major Genl Blackney, the older Major General. As Major General Blackney resides at

[1] *S. P. Scotland, Geo. II. Bundle 37. No. 9.*

Inverness, a great distance from this place, and has a particular commission, as I understand, to command the Chain made by Fort William, Fort Augustus and Fort George, it is supposed he will command the Troops intended to encamp this summer at Fort Augustus[1] for the more effectual reduction and disarming the Highlands in that neighbourhood and to the Northward, which it is supposed may be effectuated by the encampment of four Regiments at Fort Augustus, with the assistance of the Highland Regiment commanded by Lord Loudoun, and the Garrisons of Fort William, Fort George, and a Regiment of Foot cantooned at and in the neighbourhood of Inverness.

In that case, if the remainder of the Troops, including the 3 Companys of Lord John Murrays Regiment and the 2 Regiments of Dragoons, were for this summer put under the immediate command of Major General Churchill, with his head quarters at Stirling, and the Troops cantooned along the Firth of Forth and the Eastern coast, this might be done without any extraordinary expence to the Government, and so as the Troops might be drawn together in a few days ready to march to the east or west coast, as the exigences of the Government might require, and by this means Major General Churchill might be charged with the effectual reduction and disarming of these parts of the Highlands which lye in the Countys of Stirling, Dumbarton, Perth, Angus, Kincairden, Aberdeen and Bamff.

I beg pardon for transgressing so much upon your Grace's time and patience in meddling with things out of my Province and above my Sphere; may I entreat your Grace to have the goodness to impute it (as in truth it is) to my Zeal for his Majesty's Service.

I have repeated assurances from the Sheriff of Argyll that he is doing all in his power to apprehend John Bayne. I have wrote to Col. Duroure at Fort William on the same subject. The Sheriff of Argyll writes me that he does not believe any number of ships were lately seen of Bara head, as he had intelligence very lately from that place, and is well informed that all is quiet in the Western Islands; he also says that he has not heard of Dr Camerons arrival from France, that

[1] Early in July, 1747, Skelton's, Handasyde's, Mordaunt's, Sackville's and Blakeney's regiments went into camp at Fort Augustus. Lee's replaced Houghton's at Fort William, and St. George's dragoons were stationed at Aberdeen and elsewhere on that coast.—*Scots Magazine*, vol. ix., p. 348.

Torcastle never was out of the country; his letter to me is dated the 14th at Inveraray.

From my friend at Dumblane I am advised that he has got notice that one David Napier, a Messenger near Stirling, knows the hand writing of Wm Mcgregor, alias Drummond of Balhadie, and is in search of him, and I expect him at Edinburgh by the time I may have your Grace's answer to my last letter about Ross and Russell.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 24.

XXIX.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinbr 25 April 1747.

My Lord Duke,

David Napier, the person I looked for from Stirling shire, arrived this day, and I have enclosed a copy of his Examination; had he seen Wm Drummond write his name or could have sworn directly to his hand writing, I should in consequence of your Grace's first orders have endeavoured to have sent him along with Mr Rose to London, But as that is not the case I wait your Grace's further directions. I have sent enclosed one of Wm Drummonds letters referred to both in Russell and Napier's examinations.

By letters from the West Highlands all is quiet there; and a good many of the common people, even the Camerons, have voluntarily taken the oath to the Government calculated to their taste, and say they think themselves bound, and are determined to act accordingly.

The Sheriff of Argyll has got lately some intelligence of John

[1] *S. P. Scotland, Geo. II. Bundle* 37. *No.* 14.

Bayne, and are in hopes of laying hold of him by means of Mr Campbell of Airds and Capt Campbell of Inverare.

I have the honour to be with the utmost respect,

My Lord Duke,

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. May 4th.

(*Enclosure I.*)

DECLARATION OF DAVID NAPIER.

25th April 1747.

In presence of The Lord Justice Clerk Compeared David Napier, Messenger in Stirling, and being Interrogate if he knows and is acquainted with the hand writing and subscription of William Drummond younger of Balhaddie, Declares that in the course of his bussiness as a Messenger he has had frequently put into his hands Dilligences to execute against the said William Drummond, in which there being bills granted by him, the declarant had occasion to peruse them, by which means he is well acquainted with the said William Drummond's subscription, and Declares that he has frequently received letters from the said William Drummond with respect to the said Dilligences, the only purpose of which were craving delays, and as they contained no other thing material the Declarant never kept them, and there being produced to the Declarant Six letters wrote and signed by the said William Drummond to Mr Francis Russell, Merchant in Edinburgh, Declares that those letters appear to be the hand writing and subscription of the said William Drummond, being as he thinks the same with the above letters wrote by him to the Declarant, and the subscription the same with those to the Bills he had occasion to have in his custody as above mentioned, and this he declares to be truth.

(Signed) DAVID NAPIER.

Endorsed:—In the Ld Justice Clerk's letter of April 25, 1747.

(*Enclosure II.*)

WILLIAM DRUMMOND OF BALHALDIE TO FRANCIS RUSSELL.

Abbotshaugh, 14th May 1736.

Sr,

I am sorry that I happened not to be at home when your letter came; it was sent after me, and I immediately wrote for your money, but it is not as yet come to my hand; so soon as it does, which I expect every day, it shall be sent you, and shall then write you fully.

I am ever

Dr Sr

Your most obliged humble Servant

W. DRUMMOND.

To Mr Francis Russell, Merchr
at the sign of the black bull
Edr.

Endorsed:—Edr 4th April 1747. This is one of the letters to which Mr Francis Russell's Declaration of this date does relate.

FRANCIS RUSSELL.

25th April 1747. This is one of the letters to which Mr David Napier's declaration of this date does relate.

DAVID NAPIER.

XXX.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinbr 9 May 1747.
12 at night.

My Lord Duke,

This Express is to acquaint your Grace of Lord Stairs death,[2] which happened this night after a long indisposition, and I imagined

[1] *S. P. Scotland, Geo. II. Bundle* 37. *No.* 17.

[2] At Queensberry House, Cannongate, Edinburgh.—*Scots Magazine*, vol. ix., p. 247.

your Grace would be desirous to have the first notice. Lord Stairs friends wish your Grace thought it proper to send for Lord Loudoun, and carry him along with you when your Grace acquaints the King of this Event.

I have the honour to be with the greatest respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 13th (by Express).

XXXI.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Salton, 19 May 1747.

My Lord Duke,

I have the honour of your Grace's letter of the 15th, in which you are pleased to communicate to me his Majesty's inclinations, that the Earl of Hopetoun should succeed Lord Stair in his seat in Parliament, and desireing that my Endeavour may not be wanting to promote Lord Hopetoun's success on this occasion.

In obedience to your Grace's Commands I have acquainted Lord Hopetoun of your Grace's directions to me, and suggested what is usually done on such occasions, and made his LoP the offer of my best endeavours for his service.

As his LoP is possessed of so much property in this Country and so firmly attached to his Majesty's person and Government, and was so useful to his Royal Highness the Duke during the late wicked Rebellion, and is now so highly recommended, I am perswaded there will not be the least difficulty in his LopS success on this occasion.

I have the honour to be with the greatest respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 22. (by Dick).

[1] *S. P. Scotland, Geo. II. Bundle* 37. *No.* 25.

XXXII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Salton, 29 Aug. 1747.

My Lord Duke,

I was honoured with your Grace's letter of the 7th instant, containing His Majesty's most gracious pleasure that the late Lord Lovat's son, then prisoner in the Castle of Edinburgh, should on account of his ill state of health be enlarged from his confinement, and commanding me to give the necessary directions for discharging him from the Castle of Edinburgh, and sending him under a proper guard to Glasgow, where it is His Majesty's gracious pleasure that he should remain without any guard, upon his entering into an Engagement not to stir out of the limits of that Town without His Majestys express permission for that purpose.

The moment I received these orders I gave the necessary directions for their being punctually executed, and I send your Grace enclosed a copy of the Engagement which I took from Simon Fraser, son to the late Lord Lovat, and upon my application, General Churchill sent an Officer of His Majesty's Troops alongst with him to Glasgow.

I send your Grace enclosed copys of the Protests taken at the last Election of the Peers with respect to the disputed Title and Peerage of Stair.

I also take the liberty to send your Grace enclosed a copy of a letter I received from Sir Gilbert Elliot, Lord Minto, one of the Lords of Session, to which I beg leave to refer. The facts set forth in it are consistent with my knowledge; upon Lord Hyndfoord's brother's coming down recommended in the manner your Grace will see by a copy of Mr Carmichael's letter to me enclosed, I did apply by Lord Minto to get Mr Waugh's interest in the Burgh of Selkirk to Mr Carmichael, which he had, and would have effectually secured the Election to him had not our own Artillery been turned against us, and had we not been overpowered by the root of all evil, and therefore as Mr Waugh's merit is the same, and as he can be of further use, I presume to submit it to

[1] *S. P. Scotland, Geo. II. Bundle 37. No. 52.*

your Grace if his having this small office of Commissary of Peebles be not a proper way to reward him and encourage your friends.

Permit me to congratulate your Grace on the success of the Army of the King's Allies in Italy which happened so opportunely, and also of the Glorious Stand that has been made at Bergenopzoom to the wicked and ambitious views of France by the judicious and seasonable supplys sent to that place by the conduct and vigilence of His Royal Highness the Duke.

I have the honour to be with the greatest respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. Sepr 4th.

(*Enclosure I.*)

OBLIGATION BY THE MASTER OF LOVAT.

I Simon Fraser, Eldest son of the late Lord Lovat, now prisoner in the Castle of Edinburgh—Whereas It has pleased His Majesty Most Graciously to Signify his Royal pleasure by a Letter from His Grace The Duke of Newcastle, Principal Secretary of State, To The Right Honourable The Lord Justice Clerk bearing date at Whitehall the Seventh current, that I be released from my present confinement in the said Castle and sent to the City of Glasgow therein to remain without any guard at my entering into an Engagement not to stir out of the limits thereof without His Majesty's Express permission for that purpose. Therefore I hereby solemnly and faithfully promise and engage how soon I shall be transported to the City of Glasgow to remain within the said City and not to stir out of the limits thereof without His Majesty's express permission for that purpose. In witness whereof I have written and subscribed these presents within the said Castle of Edinburgh this Twelvth day of August, One thousand seven hundred and fourty seven years.[1] Before these witnesses, William Jackson and

[1] He set out accordingly for Glasgow on August 15, 1747.—*Scots Magazine*, vol. ix., p. 402.

Lauchlan Grant, both writers in Edinburgh, and William Fraser Junior writer to the Signet.

(Signed) Simon Fraser. Lauchlan Grant, witnes. Will. Fraser, witnes. Wm Jackson, witnes.

Endorsed:—In the Ld Justice Clerk's letter of Augt 29, 1747.

(*Enclosure II.*)

PROTEST ON BEHALF OF THE EARL OF STAIR.

At Edinburgh the First day of August One thousand seven hundred and fourty seven years In a meeting of the Peers of Scotland assembled and convened within the Palace of Holyrood house for Electing the Sixteen Peers of Scotland who are to sit in the House of Lords in the ensuing Parliament of Great Britain pursuant to the Acts of Parliament Ratifying and confirming the Treaty of Union betwixt the two Kingdoms of Scotland and England.

I William Earl of Dumfries as specially Authorised and Commissiond to the effect after mentioned by James now Earl of Stairs second lawful son procreat of the marriage betwixt the deceast Colonel William Dalrymple immediat younger brother to John Earl of Stair deceast, and Penelope Countess of Dumfries Spouse to the said Colonel William Dalrymple conform to and in terms of the Commission now produced by me under the Seal and subscription of the said James Earl of Stairs dated at Stranraer the Twenty fifth day of July one thousand seven hundred and fourty seven years constituting and appointing me his lawful and undoubted proxy and commissioner to meet and conveen with the other Peers of Scotland within the Palace of Holyrood house at Edinburgh this first day of August and there for him and in his name to elect and vote sixteen Peers to represent the Peers of Scotland in the House of Lords in the ensuing Parliament Declaring the same to be as valid as if the said James Earl of Stairs were personally present and had named and chosen them himself and generally to do all and sundry other things necessary to be done towards the said Election which by the Laws and Constitution of the United Kingdom he the said James

Earl of Stairs might lawfully do. As also in terms of and conform to a letter under the hand and subscription of the said James Earl of Stairs dated at Stranraer on the Twenty fifth day of July, one thousand seven hundred and fourty seven years now also produced and read in the said meeting whereby in consideration for its being inconvenient for the said James Earl of Stairs to attend the ensuing Election of the Peers for Scotland he authorizes and Commissions me in case Captain John Dalrymple Eldest son of the deceast George Dalrymple Esquire one of the Barons of Exchequer or any other should pretend to take or use the title and dignity of Earl of Stairs at the said Election of Peers not only to protest there against in his name but to do every other thing for him in relation thereto that he might or could do if personally present, And whereas in this meeting of the Peers of Scotland in order to give their votes in the Election of the sixteen Peers to the ensuing Parliament of Great Britain, The said Captain John Dalrymple has not only appeared and taken upon him the Character title and dignity of Earl of Stair but as such has presumed to claim and take a vote in this present Election, I the said William Earl of Dumfries in name and behalf of the aforesaid James Earl of Stair and as thereto specially authorized and commissioned by him Do not only vote and make choice of the sixteen Peers contained in a list now given in and subscribed by me as Commissioner for the said James Earl of Stair to be the Representatives of the Peers of Scotland in the ensuing Parliament of Great Britain, But do protest against the said Captain John Dalrymple for assuming to himself the Character, Title and dignity of Earl of Stair that no regard be had to the vote of the said Captain John Dalrymple under that title and dignity in this or any subsequent Election, but that the sixteen Peers now elected by the majority of Legal Votes counting the Vote of the said James Earl of Stair my Constituent shall be returned as the sixteen Peers legally elected, and that the said Captain John Dalrymple may be liable as law will to the said James Earl of Stairs my constituent for this usurpation and encroachment upon his undoubted right and title of Peerage in such form and manner and from such other arguments and considerations as he shall be advised may be most beneficial and conducive thereto. His right and title to this Peerage is founded upon a charter of resignation and infeftment under the Great Seal in the year 1707 by Her late Majesty Queen Anne in favours of John last Earl of

Stair and his heirs male lawfully to be procreated of his body, which failing to Mr. William Dalrymple immediately younger brother to the said John Earl of Stair and to the second son procreated or to be procreated of the marriage betwixt the said William Dalrymple and Penelope Countess of Dumfries. John Earl of Stair died without issue male of his body, M[r] William Dalrymple afterward designed Colonel William Dalrymple his immediat younger brother is in like manner dead whereby the title of Peerage now vests in the person of his second son procreated of the marriage betwixt him and Penelope Countess of Dumfries, for albeit by the foresaid Charter under the Great Seal there is a faculty granted to the said John Earl of Stair failing heirs male of his own body, To nominat and appoint by a writing under his hand at any time in his life, et etiam in articulo mortis, such person or persons as he should think proper descending of the then deceast James Viscount of Stair who should not only succeed to the lands specified and contained in the said Charter, but also to the Dignity and Peerage of Stair, and tho' it may be also true that in pursuance of the aforesaid faculty the said John Earl of Stair by certain deeds or writings by him executed may have nominated and appointed the said Captain John Dalrymple failing heirs male of his own body to succeed to the aforesaid title and dignity of Peerage, There is just cause to think that such faculty and power would neither be granted by the Crown nor exercised by any subject. That it is a part of the Prerogative Royal to confer titles of Peerage which the Crown cannot be divested of or transfer to any subject and that tho' the exercise of this faculty was limited and confined to the descendants of the body of James Viscount of Stair it was still giving a power to create a person to be a Peer who could not have succeeded to that Peerage either by tenor of the original patent or by the natural course of succession. This power or faculty which therefore must appear to have been obtained from the Crown by obreption being held pro not adjecto limited and devised in the event which now exists to the second son procreated of the marriage betwixt Colonel William Dalrymple and Penelope of Dumfries. James Dalrymple now Earl of Stair is the second son of that marriage and as such intitled to this right and title of Peerage. Wherefore, I the said William Earl of Dumfries Do protest in manner and to the effect above mentioned, whereupon I take Instruments in the hands of you,

The Clerk to this meeting of Election and to require that my protest with the commission and letters above mentioned may be fairly entered in the minuits of this Election. These things I do place and date foresaid.

(Signed) DUMFRIES.

Endorsed:—In the Ld Justice Clerk's Letter of Aug. 29, 1747.

(*Enclosure III.*)

SCHEDULE OF THE PROTEST OF JOHN EARL OF STAIR.

By Charter and Patent under the Great Seal bearing date the 27th of February 1707 proceeding upon the Resignation of John late Earl of Stair in the hands of Queen Anne authorized by Her Royal Sign Manuel Her Majesty Gave and granted the Titles and dignity of Earl of Stair, Viscount of Dalrymple and Lord of Newliston, Glenline and Stranraer in favour of the said John Earl of Stair and the heirs male to be procreat of his body, whom failing to such person or persons being descended of the body of the deceast James Viscount of Stair as the said John Earl of Stair should nominate and appoint by a writ under his hand at any time in his life et etiam si in Articulo Mortis, which Charter was Ratified by an Act of Parliament of Scotland Anno 1707.

By two Deeds executed by the said John Earl of Stair, the one bearing date 21st May 1739 and the other the 31st March 1747, His Lordship appointed me John, now Earl of Stair (therein designed Captain John Dalrymple Eldest son of the deceast George Dalrymple Esquire one of the Barons of the Court of Exchequer in Scotland, Brother german to the said now deceast John Earl of Stair) to succeed to him in the foresaid titles and dignity of Earl of Stair &c.

In virtue of the above titles I have the sole right to the titles and dignity of Earl of Stair &c. and as such claim my vote at this Election and protest that the Vote of no other person pretending to be Earl of Stair be received.

(Signed) STAIR.

Endorsed:—In Ld Justice Clerk's Letter of Augt 29, 1747.

(*Enclosure IV.*)

LORD MINTO TO THE LORD JUSTICE-CLERK.

My Lord,

I have just learned that Mr Rutherfoord who was Commissary of Peebles died last night. His post I believe was worth about £40 p. ann. I beg leave to recommend to your Lordship a near kinsman of mine, William Waugh, Sheriff and Town Clerk of Selkirk. He has been very active in Mr Carmichael's interest and must have carried that Town for him if it had not been for such arguments as you know people of that sort seldom are able to resist. He has made such discoveries since the Election as will be of the highest consequence to Mr Carmichael, and Mr Alston the writer can inform your Lordship what they are. Mr Waugh's Education makes him very fit for that office and I can take it upon me to answer for his gratitude on all occasions if your Lordship will be so good as to recommend him on this occasion. I hope you'l excuse this freedom and believe me to be

My Dr Lord

Your most obedient & most humble Servant,

(Signed) GILB. ELLIOT.

This I write in haste for fear of accidents. Minto August 25, 1747.

Endorsed:—In the Ld Justice Clerk's letter of Aug. 29, 1747.

(*Enclosure V.*)

JAMES CARMICHAEL TO THE LORD JUSTICE-CLERK.

Edinburgh, June 19, 1747.

My Lord,

I beg leave to inform your Lordship that I am this moment arrived here from London, and as I was not so lucky as to find you in Town I am obliged to trouble you with this in order to have your Lordship's directions in what method I am to proceed, as I don't care to take any steps in relation to the Election without your advice. The day before I left London, which was last Saturday, I saw both the

Duke of Argyle and Mr Pelham, who ordered me to set out directly for Scotland. Mr Pelham bid me go directly to Lord Hopetoun and tell him that he had wrote to him and would soon write again in my behalf for his interest in Linlithgow and desired Lord Findlater that morning to do the same. I shall go to my Lord as soon as this Express returns if your Lordship approves of it. The Duke and Mr Pelham assured me that I should be thoroughly supported by their interest. I shall be greatly obliged to your Lordship if you will let me know who I am to advise with here in your absence, as I know none that I can confide in except my cousin Mr Carmichael. I have all the reason in the world to expect Lord March's interest by what I have learned from Mr Crawfurd, if it is agreeable to the Duke of Argyle.

I beg an immediat Answer to this and am

My Lord

Your Lordship's most obedient and most humble Servant

(Signed) JA. CARMICHAEL.

Endorsed:—In the Ld Justice Clerk's Letter of Augt 29, 1747.

XXXIII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinb^r^ 4 Octr 1747.

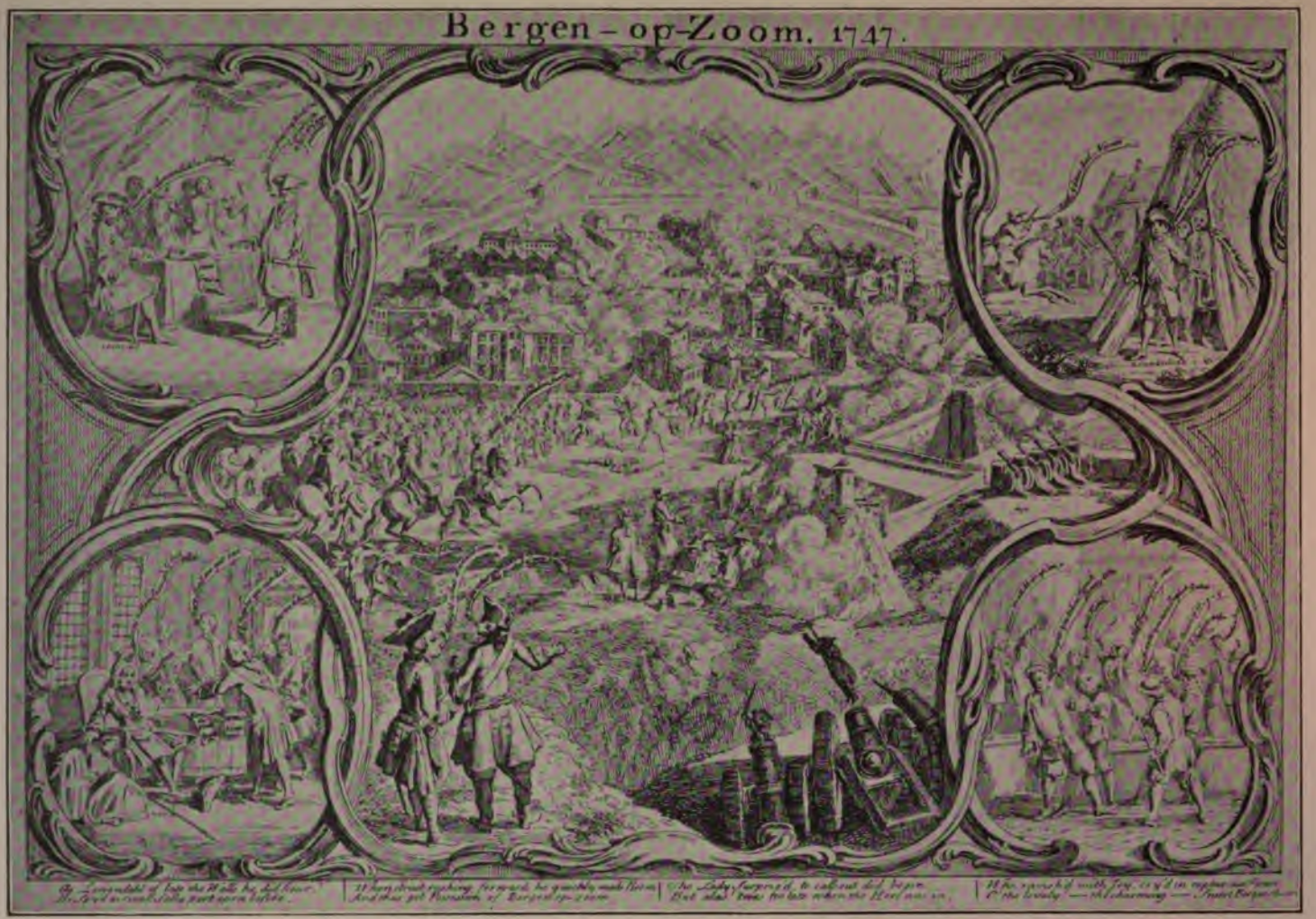
My Lord Duke,

Upon the Pretender's son's makeing his escape from the North of Scotland hee promised his abettors to return soon to them with a Considerable Force, and left money to be distributed among them for their support in the meantime. The Agents of that wicked and desperate Gang have from time to time endeavoured thereby to keep up a Spirite in their party, which gradually decayed, till of late, and particularly since Bergenopzooms falling into the Hands of our Enemies in the shamefull manner it did.[2] The agents of that Diabolickal party

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 2.

[2] Various accounts of the fall of Bergen-op-Zoom are printed in *Scots Magazine*, vol. ix., pp. 442 *et seq.*

Bergen-op-Zoom. 1747.



have turned more noisy and insolent. They now say and endeavour to perswade one another that the young Pretender is to marry a Daughter of Prussia, in consequence whereof the King of Prussia in confederacy with the King of France are to set him on the Throne of Great Britain; That the lad has for his Quotta agreed to furnish one Million in money and Ten thousand men with Transports & convoys &c. And it is now reported that severalls of those concerned in the late Rebellion are returned to the Highlands, particularly Locheil, and the person who is commonly called Lord John Drummond. As nothing of this kind in our too critical Situation is to be neglected, I have employed proper persons to get Intelligence what is transacting among the Disaffected in the north, and desired them to make particular Enquiry if Locheil or Lord John Drummond or any of those concerned in the late Rebellion have returned from abroad, if there are any Caballs or secret meetings, any strangers or persons in disguise going about the Countrey, & what are the Reports, beliefs, inclinations, Dispositions and Expectations of the disaffected. I have also concerted with provost Drummond to keep a strick eye over the Jacobites at Edenburgh and watch their motions, & shall have the Honour from time to time to transmitt to your Grace what intelligence or Information I may happen to receive.

I do not think that the Times ever had so bad an appearance in my remembrance, not even in the end of the Tory administration when it cost your Grace so much to keep up the Whig spirite, which was then united firm & strong and thereby carried our Grand point.

The King of Prussia at present is a great card, we can hardly buy him too dear, as it is in his power to get us a good Peace after an unsuccessfull War, and thereby turn the Tables on the French & ballance the Treaty of Utrecht.

I have the Honour to be with the utmost Respect

My Lord Duke

Your Grace's most obedient & most Humble servant

AND. FLETCHER.

Endorsed:—Rd. 8th.

XXXIV.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edenburgh 20th Octr 1747.

My Lord Duke,

I had the Honour to write to your Grace the 17th in answer so far to your Grace's commands of the 8th, and now in further prosecution of your orders I beg leave to send your Grace inclosed a Copy of the Letter I have wrote to the Sheriffs of the Countys most Suspected.

In order to exert the utmost Force of the Law for suppressing all practices whereby the Quiet of his Majesty's Government may be disturbed, and for bringing to punishment all those who are concerned in Treasonable or Illegal practices, It will be necessary that we have new Commissions of the Peace, excluding all Jacobites and their adherents, and even all low little persons who render that usefull and Honourable office contemptible, and often hinders the people of greatest Character and best qualifyed from acting. It will also be necessary that in the County of Inverness and some other of the disaffected Countys where it may not be easy to find a sufficient number of proper persons to be Justices of Peace, that some of the officers of the Army may be named Justices of the peace.

It will also be necessary that the Deputy Sheriffs to be named by his Majesty be all true Whigs and well qualifyed for their office, and that where there are such persons now employed who have exerted themselves Remarkably in his Majestys Service and the Service of the Army and in suppressing Jacobitism, that they should be continued and encouraged. As the County of Inverness is of great Extent and contains the greatest part of the Countreys possessed by the Rebell clanns, it will require more than one Itinerant Deputy sherriff, at least for some time, to put the Laws in execution there, and 'tho the time for nameing the Deputy sherriffs is not yet come, yet if the choice was made, the present sheriff might grant a Commission in the mean time, For at present the Law takes very little place in that County.

I send your Grace inclosed a Copy of the Letters I mentioned in

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 10.

my last, which by some mistake I am affraid was omitted to be sent by my last, A Blunder I beg your Grace may pardon. I have had no sort of Intelligence since my Letter of the 17th.

I shall with great pleasure obey his Majestys Commands in giveing Generall Bland[1] all possible assistance in the Execution of his Majestys orders, as I have from experience with pleasure observed that his great points in view are the Peace and Tranquillity of the Kingdom & the Suppression of Jacobitism. His cool and steddy Behaviour has got him the good will and esteem of all his Majestys freinds in this Countrey, and I am in hopes that something good beyond what I dare at present venture to say will attend his Majestys wise choice in appointing him Commander in cheif of his Forces in Scotland at this Critical time.

I have the Honour to be with the utmost Respect

My Lord Duke

Your Grace's most obedient & most humble servant

AND. FLETCHER.

Endorsed:—Rd. 26th.

(*Enclosure I.*)

THE LORD JUSTICE-CLERK TO SOME OF THE SHERIFFS.

Edinburgh 17th October 1747.

Sir,

His Majesty having lately received Accounts of the Insolent behaviour of the Jacobites, and that in many parts of Scotland the true friends of the Government and those who have the most meritoriously distinguished themselves in the support of it have been on many occasions oppressed and insulted by the Jacobites and their adherents, and that some of the persons attainted of High Treason have returned from abroad, and that many of the most Notorious Rebels are known to be lurking about in different places, and that the Acts for suppressing nonjuring Meeting houses have not been duly executed by the officers

[1] He had in September been appointed Commander-in-Chief in Scotland. He arrived in Edinburgh on October 31.—*Scots Magazine*, vol. ix., p. 500.

of the Law, at least that they have not been dilligent in observing and discovering the attempts that have been made to defeat the intention of these wise and necessary Laws.

Whereupon I have had the Honour to receive His Majesty's Commands by a Letter from His Grace the Duke of Newcastle, His Majesty's principall Secretary of State, to desire and Require that you would immediately make the strictest enquiry into these matters, and exerce the utmost force of the Law for suppressing all practices whereby the quiet of His Majesty's Government may be in danger of being disturbed, and for bringing to punishment all those who are concerned in such treasonable proceedings, and particularly that you would use your utmost endeavour to discover and secure any persons that may be lurking within your bounds, who were either attainted of High Treason or were concerned in the late Rebellion, and are either excepted by name or under some general description in the late Act of Indemnity, and that you would make particular enquiry into the conduct of the Jacobites, and whether there are any Indications of a design to give any disturbance to the Government, and that you take particular care that the Acts for Suppressing Nonjuring meeting houses be complyed with according to the true intention of the same, and for that purpose that you enquire carefully into all attempts that have been made to elude the design thereof. And it is His Majesty's particular orders that you should transmit to me constant accounts of what you shall do in consequence of these orders.

Give me leave on this occasion to advise you not to show or Communicate the orders you have now received to any person whatever except so far as is necessary for putting them in Execution, lest it may be interpreted by some persons to be done to disappoint the execution of them, and in the next place when you get Information that any of His Majesty's good Subjects who have meritoriously distinguished themselves in support of His Majesty's Government, have been or may be oppressed and insulted by the Jacobites and their adherents, You are not to give over your enquiry upon hearing that the matter is transacted by the privat partys, because it is not in the power of any privat subject to remitt the Injury done to the Publick. And lastly, that in searching for Rebels you are not to confine yourself to suspected places, because it is not impossible that in some of His Majesty's subjects not disaffected

an ill-judged tenderness may have got the better of their duty to their King and Country.

I am &c.

Endorsed:—Copy sent to Lt Genl Bland[1] the 30th.
In the Ld Justice Clerk's of Oct. 20th 1747.

(*Enclosure II.*)

INTELLIGENCE.

It is not in my apprehension at all probable that Ld John Drummond should be sent to negotiat in favours of another Rebellion, as I know him to be extremely unpopular among the Jacobites. I have heard them speaking in the bitterest manner against him and represent him as a betrayer of their Cause. This is their sentiment in the South and in the North. But I was told a story by way of a great secret by a Jacobite who visits at Gask and other Gentlemen's houses in that neighbourhood, that Lochiel was certainly in this Country, That about three weeks ago he had landed at Peterhead with one or two more whose names I did not hear of, and that he had brought a very great sum of money along with him, That he had gone up into the Highlands and had dispersed part of that money and was preparing matters for the reception of a body of French Troops who are expected into the Country. Tis certain that the Jacobites are uppish and have their Cabals; one of the chiefs of that character in Perth, reckoned not at all a forward man but much in their secrets, came last week and inspected their Meeting house of Perth and told that it behooved to be taken good care of, for very soon there would be use for it. A Gentleman who has been in three Rebellions and now is pardoned told lately that very soon he would have sweet revenge on this and the other person who had acted as he thought a harsh part to folks in his way. This fellow is of the Strathearn Club. However it is only a Clatter among the people in this Country, flowing perhaps from the fears of some and the hopes of others that there is to be an Invasion, and as far as I at present know, except the Story of Lochiel, which I cannot help believing, as the person who told me is of their Counciles, but he would

[1] Bland was gazetted Lieutenant-General on October 10, 1747.

not tell me the grounds of his own perswasion. I shall lay myself out as much as I can to get Information concerning what passes in this Country among the Torys and shall not faill to acquaint you as things occur.

Endorsed:—Copy sent to Lt Genl Bland Oct. 30th.
In the Ld Justice Clerks of Oct. 20, 1747.

XXXV.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Ed^{r} 31 Oct. 1747.

My Lord Duke,

Munday last came on Pr Stewarts Tryall,[2] when his Councell plead that the Tryall could not proceed till he had Damages for its being put off by the blunder of the Agent for the Crown; being in this overuled by the Court, the same Interloquiture on the Relevancy formerly pronounced was renewed & the Court adjourned till Tuesday at 8 in the morning.

I thought it my Duty, however unable, to offer my assistance at this long Tryall to my Bretheren, but they, convinced that I was no wayes able to bear any such fatigue, would not permit me to enter the Court. However I continued within reach in case of accidents.

Munday night my Bretheren mett at my House and as on such Tryalls much time is often spent in hearing Councell on Objections to Witnesses, we sent for the Lawers on both sides and had these points settled as far as was practicable. After the Lawers withdrew, we talked of proper persons to be on the Jury, and care was taken to exclude all such as were suspected of partiality, and as I was affraid that severalls

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 15.

[2] Archibald Stewart, Lord Provost of Edinburgh in 1745 when Prince Charles gained possession of the city, had been arrested on Nov. 30, 1745, on suspicion of high treason, and had been committed to the Tower on the following December 13. He was admitted to bail on Jan. 23, 1747. On July 13 the Court of Justiciary ordered informations for and against him to be lodged, and on August 11 appointed the trial to take place on October 26. The progress of the trial is detailed in the *Scots Magazine*, vol. ix. *passim*, and at length in *A true Account of the Behaviour and Conduct of Archibald Stewart, late Lord Provost of Edinburgh* (Lond., 1748).

very proper to be on the Jury might be absent (as the Fine is only £5. 11. 1⅓) I proposed that if such a number should absent themselves so as a right Jury could not be found, The Court should adjourn for one day and Grant Caption against the absent Jury men.

Tuesday morning when the Court mett severalls we designed for the Jury did not appear & could not be found, particularly Sr Jo. Inglis of Cramond, John Watson of Muirhouse, Brother in Law to Lord Armston and Brother to Collonel Watson (a good man), Quarter Master Genll in Scotland, Baillie Dundas, Father to our Commissary Generall, and others very zealous in their professions, and ready to find fault with others for want of Zeal, but when the Cause of our Countrey is at Stake they carefully avoid giveing themselves any trouble.

Upon this Event the Court proposed to adjourn & grant Caption against such of ye Jury as did not appear, but at the request of the pursurer and Defender, both loaded with the great weight of such a Tryall, and upon the pannells renounceing his Priveledge of a landed Jury, for it was more difficult to find a sufficient number of good men among the Landed men than among the Burgesses what attended much better, The Court proceeded, and as I belive named a very good Jury, 'tho perhaps not so good as if the whole Jury had attended.

After a sederunt of 40 herers [?] on the night betwixt Wedensday & Thursday, upon application of the Jury who declared it was utterly impossible for them to subsist any longer without some intermission, and with the Consent of the pursuer & Defender, and the Jury finding caution under the penalty of £300 each, the Court adjournd till Thursday at 11 o'clock, when they proceeded in the Tryall, & the Examination of Witnesses on both sides was finished this Morning about one o'clock; the Ld Advocate spoke two hours & a half, Mr Lockhart 2 hours, so that the Jury was inclosed only about six o'clock this morning and are ordered to return their verdict on Munday at ten a Clock. The Advocate writes no doubt to his Grace the D. of Newcastle. I thought your Grace would be glad to know these out Lines in the meantime; next post I shall send a Copy of the verdict wch I hope will be agreeable to the provost.

I am with the greatest respect
Your Grace's most obedient humble servant
AND. FLETCHER.

XXXVI.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edenburgh, 3d Novr 1747.

My Lord Duke,

On Sunday morning I received and immediately carried to Generall Bland The great and good news your Grace was pleased to communicate to me of the Signal Victory[2] obtained by his Majesty's Fleet over that of France By the takeing Six of their Capitall men of War, which has happened most opportunely, and which I hope shall have very great and good consequences, not only to depress the mad Spirit of Jacobitism, by cutting off their wicked hopes, But must also affect the French in so sensible a Manner as to humble them into a peace safe and honourable for Us, or at least strip them of any more Support from Spain.

I send your Grace inclosed Copys of three Letters which contain what intelligence I have lately had & which I communicated to Genll Bland, By which it would seem that Clunie McPherson is still lurking in the Highlands; the seizeing of him I have always considered as very material for his Majesty's service.

I had this morning the Honour of your Graces Commands of the 30th Octr, & shall only by this post take the Liberty to mention to your Grace that some time agoe in obedience to your Grace's commands I sent in one Bundle Copys of all the Commissions of the peace in Scotland as they now stand, which took me above a Month in Collecting from the severall Countys, and if your Grace is pleased to direct that Bundle to be returned to me, it would save much time in my setting about to obey your Grace's Commands with respect to the Lists of the Justices of peace.

Lord Advocate tells me that he has sent your Grace a full account of the Tryall of Mr Stewart, late provost of Edenburgh. The unsuccessful Issue whereof gives me great pain.[3] The Behaviour of the Jacobites

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 19.

[2] On October 14 Admiral Hawke fell in with and engaged a French fleet of merchantmen and men-of-war bound from Rochelle to the West Indies. His despatch is in *Scots Magasine*, vol. ix., p. 486.

[3] On Nov. 2 the jury delivered a unanimous verdict of "Not guilty" against Stewart.—*Scots Magasine*, vol. ix., p. 501.

& their deluded partizans on this occasion has been most insolent and does not abate, as your Grace will see by a paragraph in the inclosed newspaper. I was this day w^t^ Gen^ll^ Bland, Lord Advocate & provost Drummond, when it was agreed to have a strict eye on their proceedings, that in case they laid themselves open to the Law that they be laid hold of and immediately prosecuted with the utmost Rigour of the Law.

I have the Honour to be with the utmost Respect

My Lord Duke

Your Grace's most obedient & most humble Servant

AND. FLETCHER.

Endorsed:—Rd. 9th.

(*Enclosure I.*)

DONALD CAMPBELL TO THE LORD JUSTICE-CLERK.

Airds 25 Oct. 1747.

My Lord,

Having acquainted his Grace the Duke of Argile with any intelligence that came to my knowledge, I judged it unnecessary to trouble your Lordship on that head.

I have nothing new since his Grace's departure, only a further Confirmation of Doctor Camron Locheyl's Brother's being in Lochabber, and am told that about a fortnight past, he and others of the Disaffected in that Neighbourhood, with some of the Clan M^c^Pherson from Badenoch, had a Meating in Glenkindy near the head of Locherkaig.

In consequence of Orders brought over by Doctor Camron, All those excepted from the Act of Indemnity have had Remittances from Clunie M^c^Pherson, of which Camron of Torecastle and Stewart of Ardsheall received each £100.

Whatever be the Cause, it is certain the Disaffected to the Northward never were in greater Spirits or stronger expectations than at present. They impute to the late Storms that there was not a landing before now.

That these Countries were not effectually disarmed is well known, and now many appear openly with their Arms.

Yours &c.

Endorsed:—In the Ld Justice Clerk's
of Nov. 3, 1747.

(*Enclosure II.*)

THE COLLECTOR OF CUSTOMS AT FORT WILLIAM TO THE LORD JUSTICE-CLERK.

Fortwilliam, Oct. 26, 1747.

I have endeavoured to learn all that passes amongst the Disaffected in and about this Bounds. It seems they still Entertain great Hopes of a Speedy landing from France. There are Couriers going and coming 'twixt the Disaffected in this Kingdom and those abroad. At the breaking up of the Camp lately at Fort Augustus[1] there was one McDonald in the Country, who was sent by Lord Ogilvie &c to Clunie McPherson and others of that Stamp; he continued about 20 days in the Braes of Glengary and Badenoch; its now thought he is returned to France.

Bishop McDonald and one Ocolgan a popish Priest are soon expected from abroad with Dispatches to that Party, who are very much Elevated and in topp Spirits since the taking of Bergen-op-zoom.

Endorsed:—In the Ld Justice Clerk's
of Nov. 3, 1747.

(*Enclosure III.*)

MR DOUGLAS TO THE LORD JUSTICE-CLERK.

Fortwilliam, 27 Octr 1747.

I believe I can assure your Lordship that Lochail has never yet been in the Highlands that any one of his Clan knows of, neither is there any one of them will believe he has set his foot on British Ground; nor will he 'till he does it with a Considerable force: this I know was His Declarations to them at his going off, and further, that as a token he was to come, his Brother Archd[2] was to be sent before him to give them notice, which he has yet not done, Tho it is Currant in the Country that both of them and some others are in the Highlands. Yet I am strongly assured by those I depend on, that there is not one as yet

[1] The camp at Fort Augustus broke up about September 10, 1747. *Cf. Scots Magazine*, vol. ix., p. 453.

[2] Dr. Archibald Cameron.

come amongst them, and I think I am not Imposed on. There has been several petty Gentlemen with Clunie McPherson that came from France; their bussiness with him Cheifly related to the Money he has in Charge, and to order a little of it to be given to the Disaffected to keep them in Spirit, and I am told that Stewart of Ardsheal and Cameron of Torcastle both got of the Money lately. One of those That I heard was with McPherson was one McDonald who is of the western part of this Country, and was brought up in France, But did not act in the Rebellion; this McDonald came into the Braes of Rannaich among the People of his name. And another who I was told has been with McPherson is one Drummond, Son to Balhaldie, and is Lochails relation; this Drummond assures one of the Clan Cameron who saw him, that their Cheif was not taken care of by the French Court in the manner they imagined or that he himself expected, But withall that they might expect to see him and a very Considerable number of Troops about Christmass, and this is the reigning hopes of these Wretches (that meditate their own ruin), and sooner they expect none to appear; they had the same hopes last Year, and after Christmass they dayly expected to see Lochails Brother, who was to be the forerunner of the Expedition. As to Lochail's being about to raise a Regt of Highlanders or Scotch upon the Frontiers there never was any truth in it, nor in a thousand other Reports that are industriously spread in the Highlands to keep the disaffected in Spirit.

I am my Lord

Yours &c.

Endorsed:—In the Ld Justice Clerk's of Nov. 3, 1747.

XXXVII.

The Lord Justice-Clerk to the Duke of Newcastle.[1]

Edinburgh ye 5th Nov. 1747.

My Lord Duke,

In the letter I had the honour to write to your Grace of the 3rd, I took notice of the insolent behaviour of the Jacobites and their

[1] *S. P. Scotland, Geo. II. Bundle 38. No. 22.*

adherents upon the Jury's returning their verdict *not guilty* in the case of Mr Stuart late Provost of Edinburgh; and their further proceedings by an impudent and insolent advertisement in the News papers for a publick meeting and rejoiceing in the Baxters Hall upon that account. The Newspaper came to my hand as I was writing and I enclosed it to your Grace.[1]

After several methods were tried without success to prevent such an incendiary meeting, I met yesterday morning with Lord Advocate and Provost Drummond, when it was agreed that the Provost should call together the Magistrates, and that they should order the Baxters or Bakers Hall to be shut up and a Guard placed to prevent such an illegal Meeting; how soon this was publickly known the courage of Mr Stuarts friends cooled, the arguments formerly used appeared in a stronger light, and they gave up their mad project, of which notice is taken in the enclosed newspaper, and everything continues peaceable and quiet; however, we keep a strict look out upon their behaviour.

General Bland and I thought it our duty to let your Grace know the defeat of this daring and insolent project by the time the ordinary post brings an account of the attempt of it.

This Bakers Hall is let by that Corporation to a Dancing Master, and they were so provoked when they heard of the use that was to be made of it, that they were, as I am credibly informed, resolved to have driven Mr Stewart and his friends out of their Hall had not their meeting been other ways prevented.

I have sent herewith a letter from General Bland and another from Lord Advocate to your Grace.

I have the honour to be with the utmost respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 8, by Express.

[1] It is not in the bundle.

(*Enclosure.*)

THE EDINBURGH EVENING COURANT, THURSDAY NOVEMBER 5, 1747.

The Meeting of the Friends of Mr Stuart, which was advertised in our Paper of Tuesday the 3^d Instant as intended to have been held in the Baxter's Hall last Night, did not hold. The Lord Provost was advised that he might, lawfully, forbid such a Meeting, and declared his Resolution not to suffer it, and we are informed that Mr Stuart and his Friends laid aside the Design.

Endorsed:—In the Ld Justice Clerk's of Nov. 5, 1747.

XXXVIII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh 21 Nov. 1747.

My Lord Duke,

In obedience to your Grace's Commands, Mr Bland and I have had the execution of the Act for disarming the Highlands under our consideration, and I have prepared and delivered to Mr Bland the Form of the Summonds, which we are of opinion should contain or narrate the whole Act of Parliament [which] is but in the hands of very few. These Summondses may be printed and may be all issued by General Bland, so that his Majesty needs not appoint any other person for that purpose, but neither General Bland nor any one other person can attend at all the different places that necessarily must be appointed for delivering up the Arms; and therefore it would be convenient that General Bland had power from time to time to appoint the persons who can most conveniently receive these Arms. The Kings Warrant gives the General no such power, and the question is whether the words of the statute, which are *To deliver the Arms to such person or persons appointed by his Majesty*, Do authorise his Majesty to give a warrant to General Bland to appoint other persons whom he shall think

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 30.

proper to receive in the Arms at the proper places, and if it does, it is proper that a new warrant be granted to Gen[l] Bland in these Forms, other wise M[r] Bland must transmit the names of persons he thinks fit to be employed in that service at each station, to the end that they may have warrants directly from his Majesty. For it appears necessary that each summonds contain the name of the person who is to receive the Arms, as well as the place at which they are to be delivered.

I take the liberty to send your Grace Copy of a Memorial given in to me for one Captain Jas. Sinclair, and as his case seems to be pretty singular, I shall be glad to have your Grace's directions.

Lord Findlater, as Sheriff of Banff, having stated some questions to me with relation to the Execution of the Laws against nonjuring Meeting Houses, which I put in the hands of the L[d] Advocate as the proper Officer to give signed opinions thereupon.

Lord Findlater made a search for persons attainted or excepted out of the Indemnity. I send your Grace a Copy of his Lo[ps] letter to me on that subject, and of my answer, to which I beg leave to refer.

I have enclosed a Copy of some paragraphs in a letter from an Itinerant Preacher (on His Majesty's Bounty) in the Isle of Skye, dated the 6th of Nov., which contains the accounts they had of Lochiels being landed, with the additional circumstance of a 40 Gun ship. The author of that letter is very Zealous and Sensible, and from experience I have found him a useful correspondent; but as what he writes now is hearsay, and probably the rebound of the story we had formerly, it cannot be true: for by the latest accounts I had from Fort William and the neighbourhood I am assured that the report of Lochiels landing or being in the West Highlands was altogether without foundation, and I am promised early intelligence of any thing of that kind, and from that and other parts of the Country I hear that every thing is as quiet as it has been for these twelve months past, and if my information be right, Doctor Cameron, Lochiels brother, is still abroad.

I have the honour to be with the greatest respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

The King's Speech[1] is well judged and well worded, and nothing

[1] At the opening of Parliament on November 29.

can unite us or anoy the Enemy so much as a steady and vigourous prosecution of the noble plan laid down in that most gracious speech.

Duke of Newcastle.

Endorsed;—Rd. 27.

(*Enclosure I.*)

MEMORIAL OF CAPTAIN JAMES ST CLAIR.

The Memorialist was sent to France while very young, and entered into the Service of the Army in the year 1726, and by the interest of some Relations there obtained an Officers Commission.

The 9th January 1740, he was promoted to the Rank of a Captain in Ruth's Regiment, where he continued till the year 1741; that upon his Father's death he got leave to return to Scotland, to look after a small Farm, of which his Father had a Lease still current, and remained quietly at home till after the Rebellion broke out in the year 1745, but never came to Edinburgh nor had any intercourse with the Rebels, until upon their March to England an officer of his own Corps came to his house, and carried him along with him to join part of his Regiment, which he did at Moffat, and continued along with them until the Battle of Cullodden, where he was wounded and taken prisoner, and sent from Inverness to London along with the other prisoners, and put in custody of Mr Vincent, one of his Majesty's Messengers, in St Margaret's Lane, Westminster, and continued in that state until a general Exchange of prisoners was made, upon which he was sent to Calais with others in the like circumstances.

That being much broke in his health, he took the resolution of giving up his commission, which he did with a view of retiring to his own country to spend the remainder of his days quietly at home, and believed himself safe so to do as he was never under any trial, was at London under confinement when His Majesty's Most Gracious Act of Indemnity passed, and for a considerable time thereafter, and was dismissed from thence upon the Exchange of prisoners before mentioned.

Endorsed:—In the Ld Justice Clerk's
of Nov. 21, 1747.

(*Enclosure II.*)

THE EARL OF FINDLATER & SEAFIELD TO THE LORD JUSTICE-CLERK.

Copy.

My Lord,

Very early on Sunday last in the morning there was a search made in this Country for persons attainted and excepted from the Indemnity. Two Captains and two other officers went from Cullen and Bamff about two o'clock in the morning with sufficient partys of Soldiers, and divided themselves so as to search nine different places with the small houses round them. The places searched were partly the houses of the Gentlemen searched for and some others, where by universal report as well as from particular enquiry these people were believed to frequent. But there was no success, which might be probably owing to the Jacobites having got intelligence from Edinburgh that such orders were to come, either by that very post that brought them or by the post before. They could in all probability have no notion of the time and manner of the search, seeing no body knew of it save the two Captains and one other person whose assistance was necessary. Captain Gordon of General Blakney's Regiment, who commands in Bamff, writes me that on their road a well-dressed man crossed their front at a quarter of a mile's distance in a hand gallop. Upon which the Captain thought it necessary to send an officer to Examine him, which when he perceived, he set spurs to his horse, and then both the Captain and the officer pursued him, on which he drove through the boggs up a hill as fast as he could, but the officers in pursuing got their horses bogg'd and found themselves invironed with dykes and boggs, so that he fairly made his escape through his better knowledge of the country, and that upon their examining the country people who saw him, they said it was Sir William Gordon of Park. Captain Gordon further adds that by the way he came it was imagined he had been drove from one of the houses searched by Captain Wheelock, the commanding officer at Cullen. I

also hear that young Ranas escaped very narrowly from one of the houses that were searched.

I have the honour to be with the greatest respect,

My Lord,

Your Lordship's most obedient humble Servant

(Signed) FINDLATER & SEAFIELD.

Cullen House

4th Novemr 1747.

Copy of Lord Justice Clerk's Answer.

I have the honour of your Lordships letter of the 4th giving an account of your Lordships prudent and zealous directions for making a search in your County for seizing persons attainted and excepted from the indemnity, and am sorry they were not attended with that success that might have been expected from so good a plan, but I can't think that the disappointment was owing to any Intelligence the Jacobites got from Edinburgh, because care was taken that it should not be known there, and upon enquiry I found that in this particular the Edinburgh Jacobites had their Intelligence from the North. These orders that were sent to so many different persons and places could not long remain a secret. But his Majesty will expect that the Sheriffs will not make one search serve, but since they know these people are in the country and that they will probably be lurking in or about their own or their friends houses, that therefore the Sheriffs will from time to time renew their searches when least expected, till they either seize them or make their country too hot for them, and for this purpose, General Bland has given orders to the Commanding Officers of the Troops to give assistance as often as is called for.

I have the honour to be

My Lord,

Your Lordship's most obedient and most humble Servant

(Signed) ANDR FLETCHER.

Endorsed:—In the Lord Justice Clerk's
of Nov. 21, 1747.

(*Enclosure III.*)

INTELLIGENCE.

Copy of some paragraphs in a Letter from an Itinerant Preacher in the Isle of Sky, dated 6 Novr.

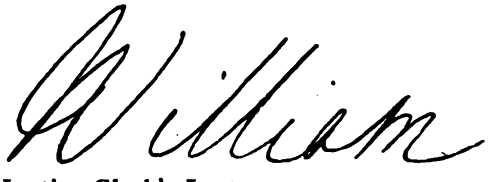
I was lately told for certain that Doctor Cameron, Lochiel's brother, landed upwards of a month ago at Lochnanuach in Arisaig, the very place where the Pretender's son landed two years ago. The design of his coming is said to be to prepare the Highlanders for a second Insurrection, to which we hear many are inclined if they saw encouragement, and we are told here that both nations are ripe for it, which God forbid. While I am writing, I'm told that not only Doctor Cameron is come, but that likewise Lochiel, and Barrisdale and his son, and another whose name the person did not remember, have lately arrived at Lochnanuach in Arisaig with a 40 Gun Ship, which still remains there. 'Tis odd that the Western Coast is not better guarded; the design of these persons coming is said to be that they may raise what men they can in Scotland for the Pretender's Service, to make a diversion here in Scotland while the Pretender's son is to invade England.

Endorsed:—In the Ld Justice Clerk's
of Nov. 21, 1747.

(*Enclosure IV.*)

THE DUKE OF CUMBERLAND TO THE DUKE OF NEWCASTLE.

My Lord Duke of Newcastle—I should hope the King would not permit Capt James Sinclair to remain in Scotland; for tho' he escaped by pretending to be a French Officer, yet he has quite quited this service before and only claim'd it to save his life.



Endorsed:—In the Lord Justice Clerk's Letter
of No. 21, 1747.

XXXIX.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edenburgh, Decr 4th 1747.

My Lord Duke,

In obedience to the Commands I had the Honour to receive from your Grace, I give all the assistance in my Power to General Bland in the Execution of his Majestys orders, and we have frequently had under our Consideration what parts of the Countrey do most require the Generalls care and attention, and in what manner the Laws (lately made for the Security of his Majestys Government, and the preservation of the Peace and tranquillity of the several parts of Scotland), particularly the Act for disarming the Highlands, can be most effectually put in execution, So as we may in the best and speedyest manner get out of the Dangerous and Disagreeable Situation in which his Majestys affairs in this Countrey are in at Present.

And I have now the Honour herewith to transmit to your Grace our Humble and Joint opinion in what manner the Peace of this Countrey may be secured and his Majesties Government established upon the most solid and lasting foundation.

Your Grace will please pardon the Length of the inclosed paper, as it became necessary particularly to explain the Disease in order to show the necessity of the several ingredients in the Cure.

The Foundation upon which the success of our Scheme depends is, the great Power that naturally and necessarily attends Property; we are so much convinced of the Truth of this Maxim, as to believe it a very difficult matter to think of any effectual Regulations for such Clans as shall continue to live under their Cheif, and perhaps at present it may not be necessary to make many for them, most of them being well affected to his Majestys person and Government; and if any of them are disaffected, yet when his Majesty shall become Proprietor of so large a Tract of Lands possessed by Loyall subjects, there can be little Danger that the others can ever give any Disturbance to the Government; besides when the Lands of his Majestys Property shall be duely cultivated and improved, and the Inhabitants come to feel the sweets of

[1] *S. P. Scotland, Geo. II. Bundle 38. No. 41.*

Liberty and affluence, the same spirit will naturally diffuse itself among the other Clans, and the Cheifs must either follow the good example set to them or have their Lands left waste.

As there may be some things in the inclosed Paper not sufficiently explained, we beg leave to have an opportunity of explaining them, and if anything further occurs to us for his Majestys Service, we will take the Liberty to lay it before your Grace.

I have the Honour to be with the Utmost Respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Endorsed:—Rd. 8.

4th Decr 1747.

P.S.—Generall Bland sends a Duplicate of the inclosed paper to Mr Pelham. The President of the Session is so very ill and grown so very weak that there is little or no hopes of his Recovery.

(*Enclosure.*)

PROPOSALS FOR CIVILIZING THE HIGHLANDS.

Proposals for Civilizing the Barbarous and Rebellious parts of the Highlands of Scotland, and Bringing them into obedience to His Majestys Laws and Government, By vesting as much of the property of that part of the Country as can be got either by Forfeiture or Purchase (unalienable in the Crown), and Leasing it out in small Tenements, under certain terms and Conditions, Thereby to create an immediate Dependance of the Common people on the Crown, as the most effectual method to Forward the Great ends of Religion and Loyalty.

The frequent Rebellions which have taken their Rise in the disaffected parts of the Highlands of Scotland have been in a great measure owing to the Tyrany and oppression of the Chiefs of Clans and their Duñiewassels,[1] who made the Common people believe that they

[1] See the Appendix, No. 1.

were the property of the Chiefs. This arbitrary power the Chiefs have maintain'd by keeping the Common people, who are naturally superstitious, in ignorance and poverty, by discouraging all attempts to Introduce the Knowledge of the protestant Religion and our happy Constitution, and the true notions of Husbandry, Trade and Manufacture.

These poor unhappy Creatures are the Tools the Chiefs make use of to Aggrandize their Highland pride, and to enable them to oppress their neighbours. In requital of that Execrable Service, These Chiefs Find it necessary for their interest to protect their Clann in Thefts, Rapines and all other Villainies they can committ. And this is all the Liberty of which these poor unhappy Creatures can boast.

The more effectually to preserve the Chief power over the Clans, Few or no written Leases are given, and in most places not so much as written Receipts or Acquittances for the Rents when paid, and by that means nothing that a Tennent is possest of can be called his own, But all at the Masters Disposal. And so little force has the Law hitherto obtained in these places, That even were there Written Leases granted, The Tennents durst not Refuse to surrender them, without running the hazard of being murdered in twenty four hours. This being the Case, we have but too great reason to fear, That the Relief intended to the poor Tennents by the late Act of Parliament, Whereby Tacksmen are Discharged from all services not expressly mentioned in their Lease, cannot well take place, till the Country be fully subjected to His Majestys Laws and Government.

And so deeply is the Dependance of the Clan on their Chief rooted in the very blood of these Savage Highlanders, That even such of them as live under other Highland Landlords, will (notwithstanding their Dependance on their own Landlords) be ready to assist and support their Chief in any Villainy or mischief he pleases to undertake, in the firm expectation of being again supported by him as often as they stand in need of it.

The Chiefs, to keep the Common people in ignorance, which they Find so much to their own advantage, Endeavour to preserve their Barbarous Language, and prevent, as much as in them lyes, the spreading of the English Language or any Intercourse with the Low Country.

The best Cures heretofore devised for Remedying these great Evils were, His Majestys Royall Bounty, which has been hitherto applyed in

Supporting a number of Itinerant Preachers, and the Society Erected for propagating Christian knowledge in the Highlands by appointing Charity Schools in proper places, But the Chiefs who were aware of the Consequences of introduceing knowledge among the Common people, as it might at last weaken, if not Destroy their dependance on them, used all the means in their power to Disappoint the Success of both these Undertakings, and in place thereof encouraged none but Popish Bishops and Priests who are supported with Sallarys from Rome, and Nonjuring Episcopal Ministers, who maintain many Popish Principles, and who have all been diligent beyond expression to mislead the People, By Inculcating the Doctrines of Hereditary Indefeasible Right, and that nothing would be more monstrous or unnatural than to Dispute the Will of the Chief.

The methods taken since the happy Revolution to keep the Highlands in peace and quiet have chiefly been these;

First to give the Chiefs money.

And Secondly, The Acts for Disarming the Highlands.

The first was but a temporary Remedy, skinning over the Wound without Curing, and Enabling them as soon as they found an opportunity to break out again with more violence than ever, And in the meantime subjecting the Crown to the payment of a sort of Blackmaill[1] Subsidys to the worst of subjects.

The Second again had a quite contrary effect from what was hop'd for. Such parts of the Highlands as were dutifull to His Majesty and obedient to the Laws, surrendered their arms and were defenceless, Whereas the Lawless, Barbarous and disaffected Highlanders Retained and Concealed their arms, But had them always ready to use them when they had occasion, either in Robbing their neighbours, or Rebelling against the State; and even had their Arms been taken from them, They knew how to be quickly supplyed from abroad.

The more antient Laws which made the Chiefs answerable for the Crimes of their Clans, in case they did not present them to Justice when called for, only helped to Fix the Slavery more effectually about the necks of these miserable people.

'Tis true that Cromwell Reduced the Highlands by the force of an

[1] See the Appendix, No. 2.

Army, But as soon as the Army was Removed, They Returned to their natural Barbarity.

One who is a Stranger to the Highlands of Scotland may naturally suppose That it might be in the power of the Civil Magistrates, Sherriffs and Justices of Peace, to prevent the Highlanders from Getting or Keeping of Arms. But whoever is acquainted with their Country, or even duly attends to the Situation of it in the Maps, must soon perceive That (till that wild Country be Civilized by having Troops constantly stationed amongst them) The Civil Magistrates are and always must be at so great a distance from those Barbarous, almost inaccessible, parts of the Highlands, That it is impossible for them to do any thing effectual in that matter, And that the Disarming Act can only with effect be Executed by the Regular Troops; and yet so few stations are there where the Regular Troops can possibly be quartered in the Winter time, That in the whole Country of Lochaber,[1] that Source and Nursery of the Rebellion, there is only one single Station for Regular Troops, To witt Fort William (unless Fort Augustus and Bernera should also be counted, Tho' they are at too great a distance from the worst part of the Highlands to do any effectual Service in that matter:) So that during every Winter the old Rebellious Inhabitants in Lochaber are to this day as much Masters of that Country as they were in the height of the Rebellion, and as much at liberty to Plunder their Neighbours, and even Insult the Government.

Most of the Schemes which have hitherto been talk'd of for Civilizing the Highlands Suppose the Continuance of the Chiefs living among the Clan, and at the same time attempt only at methods to Draw away the Dependance on them, a very difficult Task, a work of Time, if at all practicable to such a Degree as to produce the desired effect. It must be admitted, That some things of their own nature Require a track of time, Such as getting ridd of the Barbarous Language, But what can be done immediately ought not to be delayed, and the others as soon as possible. Could we but at once gett ridd of all Chiefs of Clans in these barbarous and disloyal parts of the Highlands, it would facilitate all other operations both in point of difficulty and time; And therefore, so far as we can get ridd of them, we ought, and where we cannot get ridd

[1] See the Appendix, No. 4.

of them, That such Regulations be made and carried into Execution as to make the Common people as free and independent of their Chiefs as the nature of their Case can admitt.

We can free the Common people of their Chiefs, where the Chiefs have Forfeited their Estates, or are willing to sell their Estates, or Such parts of them as are situate in that Barbarous and disaffected part of the Highlands, Particularly the Lands possest by the McLeans, the Steuarts, The McDonalds of Glengerry, The Grants of Urquhart and Glenmorison, and the Camerons, all lying in Lochaber, or contiguous to it; which should be purchast at the publick expence, so far as they are not already Forfeited, and vested in the Crown, and to be for ever unalienable. The Rent of these Lands may be two or Three thousand pounds per annum, or thereabouts, and it's believ'd that most of the Proprietors would not be unwilling to sell them at a reasonable price, and the Purchase money of these Lands would be but a Triffle in comparison of the Sums that have, and probably must still be laid out to keep these parts of the Highlands in Subjection. And this purchase, join'd to the Lovat Estate, and the other Forfeited Estates, will give the King the property of a Tract of Lands from the west to the East sea.

When the King is thus once Master of the property, Then His Majesty will of course have the choice who shall be the possessors or Inhabitants of the Lands, And it would be of great importance both for the Improvement of the Country, and Encouraging Industry and Manufactures of all kinds, and above all for Infusing a Spirit of Loyalty instead of disaffection, not only to Clear the Country of Thieves and idle persons, by putting the Laws in full Execution against them, But also to Introduce into that Country as many Inhabitants as possible from England or from the Low and well affected Country of Scotland, which might be done by giving proper Encouragement.

One method is pretty obvious. The outpensioners of Chelsea Hospital might all of them be brought to that Country, and besides Continuing to them their present annual pension, might have Leases given them at an easie rate, Suppose a third under the present Rent, of as much Ground as they would be able to Stock with Cattle and Cultivate. And over these Chelsea Pensioners might be placed proper officers, and they stationed in some of the most fertile Glens or little

valleys in the Highlands, which are now the Rendezvouz of thieves and Traitors.

The same Encouragement of ane Abatement of a third part of the present Rate, with proper Security for the protection of their persons and effects, would probably Induce Some of the Loyal and Industrious Inhabitants of the Low Countrys to become Tennents in the Highlands, and Such of the Soldiers of any of the Regiments quartered in that neighbourhood (and who are not themselves of that Country) as shall be willing to take any of these Leases and are proper for it, and grown a little too old for Continuing in the Service, might have Some of those Leases granted them, upon their being discharged.

Some of the Conditions on which the Leases should be granted may be these following.

1. That all the Leasees be Protestants, and that they suffer no Mass or Nonjuring Meetings within their bounds, And that they and their Familys, and all the Inhabitants within their bounds, Regularly attend Divine worship in the Parish Church Established by Law, and that they be obliged to Return yearly Certificates thereof from their Ministers.

2. That all the Leasees be qualified by taking the oaths to the Government.

3. That all the Leasees speak the English Language, and that after [1] years they shall not permitt any Person to Reside within their bounds who does not speak English, And also they shall be bound that all their own Children, and those Living within their bounds, attend the English school till they obtain a Certificate from the Minister of the parish That they can speak and Read English.

4. The Leasees are to be bound that neither they, nor any of their Family, nor any person living upon their Farm, or employed by them, shall wear the Highland Garb, nor shall they Hunt, or use any Diversion of that kind, with Guns, Dogs, netts, or other Engines or Devices whatsoever, or Suffer any person to Inhabite within their Bounds who has not a visible way of Living by Trade or Manufacture, unless they be so old and infirm as to be incapable to work for their Bread.

5. That the Continuance of the Lease shall not exceed nineteen years, or the Tennents Life; which of them the Tennent shall chuse.

[1] Blank in the MS.

6. That no Tennent have more Land than what he can cultivate himself. And that he be expressly debarred from assigning his Lease or any part of it, or having any subtennents, And if he cannot manage all the Lands sett to him, he may Resign the same, or any part of it, to the Crown, in order that a new Lease may be granted by the Crown to some proper person.

7. That all Leasees should observe what Rules and Directions may be given them (according to the nature and Situation of their Farms) for the improvement of the Ground, and the Encouragement of Fisheries and all sort of manufactures, which shall be exprest in their Leases.

8. That they should not knowingly Harbour any persons that are outlawed or Excepted from the late Act of Indemnity, And if any such person, or any person to them unknown, should come into their Bounds, They should give immediate notice of it to the Commanding officer of the party next to them, and to his Majestys Deputy Sherriff. And that they should give the same Intimation, in case they hear or come to the knowledge of any Designs or Attempts to Disturb the peace and Tranquillity of his Majestys Government; And in general That they should observe all the Laws made or to be made for the peace and quiet of the Country.

9. That the non observance of any of the Conditions of the Lease should be a Forfeiture, at the suit of such person or persons as shall be appointed by his Majesty, and be tried summarly either before the Sherriff of the County or Court of Session.

10. That the Woods and Salmond Fisheries be Excepted from the Leases, and the Leasees bound to take proper care of the Woods, and observe the Laws for preserving the Salmond Fishing.

11. That all Mines and Minerals of Gold, Silver, Lead, Copper, Iron, Tin, Coals and Slate, be Reserved in the Lease to his Majesty, or such person or persons to whom he shall please to grant the same, They always paying for what Damage is done by working the said Mines to the person possest of the Lease of the Ground.

12. That Lyme, Marle, and other materials for Improveing the Ground, be common to all the Leasees, They paying to the Leasee, in whose ground they are dugg, Dammages occasioned by Working and Carrying them off.

13. That these Leasees, at getting of their Leases, may be obliged

to make oath that they have not paid, nor have not promised or Engaged to pay, any sums of money or other valuable Consideration whatsoever to any person for or upon account of the said Lease or possession, other than the Duties therein specified, And if it shall be afterwards proved That they have, before granting the said Lease, or during the Currency thereof, paid any sums of money or other valuable consideration, either to the former proprietor of the said Lands, or any of his Family or Clan, or to any other person for his or their behoof, or to any person on any account whatever for or in consideration of the said Lease or possession. That the Lease should from thenceforth become void and null, and they Forfeit Triple of the sum paid, The said payment or Gratuity to be proved either by lawfull witnesses, or by write or oath of partie.

And for preventing the Chiefs, or any in Trust for them, their ever acquiring any Interest in or power over these Lands, or the Inhabitants thereof, It is further proposed, That the Rents be payable either to the Collectors of Customs or Excise as his Majesty shall appoint, To be paid over by them to his Majestys Receipt of Exchequer, The said Rents to be Recoverable by such process and Diligence as is used or competent by the Law of Scotland for the Recovery of Tennents Rents at the suit of persons to be appointed for that effect in the manner after mentioned.

At present the Parishes are of so prodigious an extent, That in some of them there are no less than three or four different places of worship, and yet many of the Inhabitants very seldom have any opportunity of attending the worship at either of those places, which could not have been hitherto Remedied, Because the Tythes could not afford sufficient Funds for provisions to Ministers at each of those Churches: Therefore it is proposed, That where Parishes are of too great an Extent for the whole Inhabitants to attend divine Worship at one place, That they be divided into two, three or more parishes, according to the Extent, and Sufficient provisions allotted to each Minister to be paid to them by the Collector; And that a publick School be Erected wherever there is a Church in each of the said disjoined Parishes.

And for Introducing Manufactures, particularly the Linnen Manufacture, It will at first be necessary to give some Encouragement to persons capable to Instruct the Common people and Children in the

several Branches of that Manufacture, and to furnish them with Flax and other materials necessary for Carrying on these Manufactures, and to pay them ready money for their work, All which at the beginning mus be attended with some expence and trouble, Considering the ignorance of the people, the distance and difficult access of that Country.

Makeing the best Laws and Regulations will Signify nothing unless they be Executed faithfully, with Judgement, Spirit and Diligence; And therefore the whole Depends upon Finding proper persons to Execute this Great work; Persons who have no Connections with that Barbarous Country, or the Chiefs and Inhabitants thereof, Persons zealous for his Majestys Service, animated with a sense of the usefulness and necessity of Civilizing and Cultivating the Highlands, and who will make the Success of it a point of Honour.

Therefore it seems necessary that a Commission be granted by the King from time to time to such persons as his Majesty shall think fitt for Giving those Leases, and with power to them by themselves, or by any person or persons to be appointed by them for that effect, to survey the Grounds, and to describe the same, with the extent and different Qualitys thereof, and any advantages or disadvantages attending the same, and what Improvements may be made thereon, and to enter the same in a Register to be kept for that effect, and to keep a Record of all their proceedings, to be reported to his Majesty as often as shall be required, And for that end, to appoint Clerks and other necessary officers with proper Sallarys.

Perhaps it would also be proper that these Commissioners, or such persons as shall by them be appointed for that effect, should be enabled to sue the Tennents in case of nonperformance of any of the Conditions of Lease, and Diligence might issue at their instance for payment of the Rents to the Collectors above mentioned, and for the Leasees Reporting their Discharges to the said Commissioners.

If this Plan or any other of the like nature be thought Reasonable and agreed to, it is obvious That the Leasees should be protected in the peaceable possession of their Farms &c; which cannot be accomplished (according to the present Situation of that Barbarous Country) without a military Force continued for some years, which at the same time is absolutely necessary for Executing the Disarming Act, and effectually preventing the use of arms among the Rebellious Highlanders.

The Chief Country of the Rebellious Highlanders, and which lyes to the west and north of the Chain made by the Forts, Fort George, Fort Augustus and Fort William, is so wild, mountainous and inaccessible, so destitute of accommodation and the necessarys of Life with which his Majestys other Subjects are accustomed, That none of his Majestys Troops have Quartered there, nor ever marched into it, except some Partys for a few days in the middle of Summer, and is now in the winter season in the full possession of these Rebellious Highlanders, who may be Committing all Sorts of Crimes, and Harbouring the Enemies of the Government, without any fear of being discovered or seized either by the Army or the Civil Magistrate.

To Subject this Lawless Country to his Majestys Government and put the Laws in Execution, it seems absolutely necessary That some Military Force more or less be placed in the several Straths,[1] Glens or Districts of that Country, to keep a Constant Communication with each other, to observe what passes, and give notice to the next Commanding officer, and to Execute such orders as they shall Receive.

To effectuate this it's proposed that Four or five stations in the Body of this part of the Highlands be chosen, in each of which From five to ten Companys may be conveniently quartered, From which small partys may be detached to the several Straths or Glens in the neighbourhood of such stations by way of Patrole, to prevent the wearing of arms, and for protecting his Majestys Leasees, and Stopping all Intercourse between the Inhabitants and persons attainted or excepted out of the Act of Indemnity, and to assist the Civil officer in the Execution of the Law.

That one of these Stations be fixed at the place where the Pretenders Son Landed, where there is a fine Harbour, That each Station be Secured by some slight Fortification, which may be done by all the Soldiers with very small Expence, and the Soldiers may also next summer build Houses sufficient to Quarter in for several years, as that Country affords plenty of Stones, timber and materials for Thatching. Foot Roads may also this Summer be made from station to station, which may serve till Roads for Horses and Carriages be afterwards made, whereby they may immediately with very little charge take and mantain the possession of that barbarous Country.

That at every such station, Ground may be sett apart for Sutlars,

[1] See the Appendix, No. 3.

Bakers, Butchers, Tradesmen and other Deallers, and that Encouragement be given to those who will build, By giving them the property of the Ground for a House and Gairden &c., And that at each of these Stations there be a School for Teaching to Read and write English, and also to raise and Dress Flax, to Spin, and other branches of manufacture, or Fishery (where the Stations are upon the Sea Coast), And that so soon as a number of Industrious people are brought together, His Majesty may erect the Village into a Burgh to be held immediately of the Crown, with the usual privileges.

It would be improper to Conclude without observing, that the Common Highlanders are a sagacious Cunning people, are frugal and Love money, Do not want natural courage. It is their poverty and Slavery that engages them in thefts, and their chief motive to Rebell is the hopes of Plunder. For we see that as soon as they are freed from poverty, and that Slavish Dependance on their Chiefs, by being Inlisted in his Majestys Service in the Highland Regiments, no private men in the Army are more Sober and regular in their Quarters, more obedient to their officers, and observant of orders, or more faithful when employed as safeguards, or behave better in the day of action than they do; and where any of them Reside or are employed in other places of Brittain, remote from their Barbarous Highlands, or in any of the Plantations, none succeed better or meet with more Encouragement; So that it is a great pity that this natural Genius of theirs, that might by proper care be improved to the advantage of Brittain, should by the misfortune of their unhappy Situation and miserable Education be perverted to the destruction of themselves and their Country.

If proper measures shall be taken for improving the means, which Providence seems at this time to put into the hands of the Government, For Turning the worst of Rebels into Loyal Subjects, That very Rebellion (if we may use his Majestys own words to his Parliament in the height of the Rebellion), That very Rebellion that was intended to overturn the present happy Establishment will by its consequences procure great Strength to that excellent Constitution it was designed to subvert: And it looks as if Providence had designedly Reserved the accomplishing of this great work to the King, to be one of the lasting Glorys of his Majestys Reign.

Edenburgh, December the 4th 1747.

This scheme is most Humbly offered to the Consideration of His Grace the Duke of Newcastle, His Majesty's Principal Secretary of State, by

AND. FLETCHER.
HUM. BLAND.

(*Appendix.*)

1. *Duniewassells*, In a large sense comprehends all the Branches which have grown from the Chiefs, and who to ingratiate themselves with their Chiefs, and to enjoy a Larger share of their Tyranical power, have been successful Instruments to keep the Common people in Slavery. They think themselves of too high blood to stoop to Trade or Manufacture, And therefore such of them as do not chuse a military Life, do either obtain from their Chief the Government of some Glen or District of Land, for which they pay a certain sum to their Chief, and they become still more oppressive than the Chief. The best of the Ground they keep to themselves, and oblige the Common people to pay dear for the worst, and generally Exact more from them than they pay for the whole to their Chief. These Dunie wassells in process of time, when they get some property and kindred of their own, take the name of Chieftains or little Chiefs, who Lead and Command a Tribe under the Chief.

As the Chief cannot provide all his poor Relations with Governments, Those who are unprovided hang about the Chief's House, ready to attend him wherever he goes, and are the Executioners of his Will and pleasure. They have a certain portion of all stollen Cattle, and indeed, for the most part, are the Contrivers as well as the Leaders of the Partys who Committ the Robberys and Thefts, And they are in the most proper sense called Duniewassels, which in their Language signifys Highmen or Gentlemen.

And all these Branches of the Chief have a certain Rank In the Command of the Clan when it takes the Field.

In some places of Lochaber and Rannoch They improved so far in theft, That they have methodized it into a Regular Trade, and they kept a number of desperate Ruffains and idle vagabonds to bring in Cattle as directed, and then Divided them by certain proportions.

2. *Blackmaill*, is a duty paid to some powerful Chief or Chieftain

by the Low Country, for protecting them from theft and Depradation, and this Tax is laid on as equally as the Land Tax, and tho' it may have the appearance of a free voluntary bargain, yet really the Low Country people were forced into it, Because if they did not submitt to it, they were sure to have their Cattle stollen and carried off. The last who practised this was Clunie McPherson and McDonald of Barrisdale, in the year immediately preceeding the Rebellion. Before that time the Independent Highland Companys who were in use to protect the Low Country from Depredations was Regimented and Sent abroad.

3. *Glen*, Signifys a Little valley between two Hills or Mountains, through which there generally runs a River or Rivulet, and the sides of the Hills generally covered with wood. *Strath*, Is a large Glen.

4. *Lochaber*, in a strict sense Comprehends only the Lands on both sides of the River Lochie near to Fort William; But in a large sense, in which it is here taken, it comprehends all the Country on the Main Land to the west and north of Fort Augustus and Fort William, and the Country of the Rebels thereabouts, And so Comprehends not only Lochaber in a proper sense, But also Glengerry, Glenmorison, Knoidart, Moidart, Arisaig, Morer, Sũnart, Ardnamurchan, Clanronald, Keppoch, and the Country of the Steuarts, Camerons and McLeans.

Endorsed:—In Ld Justice Clerk's Letter of Decr 4th 1747.

XL.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh the 15th December 1747.

My Lord Duke,

I had the Honour to write to your Grace the 4th and also the 10th. I send enclosed a copy of Intelligence I received yesterday, dated at Dunkell the 9th, which I immediately communicated to General Bland, and I have desired the person who sent it to me to get what further intelligence he can. I also send enclosed a copy of the Precog-

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 47.

nition taken against John Murray in Perth, with the Lord Advocates opinion thereon, and a copy of my letter to Mr George Miller, Sheriff Deputy of Perth, who (when he sent me the information against this John Murray) represented him as drunk when he uttered the words mentioned in the Precognition, and that when sober he was a sort of Fool.

I have also sent your Grace copys of some Letters, Informations and other papers concerning James Davidson, a deserter and a rebel, who broke prison at Perth, and tho' pardoned by the late act of indemnity, has been since that time guilty of robbing houses, particularly the house of Mr William Brown, Minister of Cortochie, whose zeal for the service of the Government probably brought on the resentment of this rebel, who being laid hold of and again imprisoned at Perth, I have in concert with the Lord Advocate Granted warrant for transporting him hither, where he is to be tried.

I also send your Grace inclosed a List of persons proposed to be assisting to Lieutenant General Bland in the execution of the disarming Act, and a List of Officers of the Army proposed to be added to the ordinary Lists of the Justices of Peace in all the Countys where the disarming Act takes place, both which Lists were made up, according to your Grace's directions, in concert with General Bland.

I find it a very difficult matter to make the proper observations upon the Lists of the Justices of Peace. However, I shall do it according to the best information I can get, and shall endeavour to make as few mistakes as possible. I have begun with these Countys where the disarming Act takes place, and have enclosed the lists of the Justices of Peace for the Countys of Inverness and Aberdeen with observations; those marked S are reputed to be Jacobites though they take the Oaths, and those marked E are too low and mean for the office of a Justice of Peace; the other observations are set down at full length; those proposed to be added are reputed well affected to his Majesty's person and Government and fit for the office. I hope to be able to continue sending some of these Lists every post till I get this laborious work finished and I shall be very glad if the method I have taken meets with your Grace's approbation.

I have also the honour to send your Grace a copy of Mr Garden of Troups letter to me in relation to John Gordon of Avochie's being em-

words than that he did say to a soldier then in company with him, It may be Charlie's men may be yet uppermost, and owns that by that name he meant the Pretender's Son, And the said Murray did likeways judicially say, Who knows but these men may indeed be yet uppermost.

(Signed) JOHN MURRAY. JO. ROBERTSON.

Moses Stevenson, Corporal in Captain William Robertsons Grenadier Company of Lieut Genl Henry Skelton's Regiment of foot lying at Perth, unmarried, aged Twenty eight years, being examined, Declares that he did see the said John Murray in the house of William Bryce, and Murray having then in his hand a dish or quaff full of ale, and tho' the Declarant and his Company were no way noticeing nor talking to the said John Murray, he addressing himself to them said, I will drink Prince Charlie's health, and you are all King George's men, but I hope he will over come you all yet, upon which the Declarant did with his hand throw Murray's quaff and ale in his face, and this he declares to be truth, and further Declares that he thinks Murray was then drunk, as he seems now to be.

(Signed) MOSES STEVENSON. JO. ROBERTSONE.

James Tapperosbone, John Manwood and Thomas Foulks, all soldiers in the aforesaid Company and Regiment, being Examined, they all declare alike to the said Moses Stevenson and they declare this to be the truth.

(Signed) JAMES TAPPEROSBONE, JOHN MANWOOD, THOS. FOULKS, JO. ROBERTSONE.

Eo. die.

The Provost having considered this case ordains the said John Murray to be committed to and detained prisoner within the Tolbooth of Perth till he is liberated by due course of Law.

(Signed) JO. ROBERTSONE.

Eo. die.

There after Thomas Waterson and Walter Taylor, Servants to the said William Bryce, being Examined, the said Walter Declares that at

the time mentioned in the above Declarations of the Soldiers, All that he the said Walter heard the above John Murray say was this, I wish that Charlie's men may not be yet uppermost, And the said Thomas Declares that at the same time he heard Murray say to the soldiers, if you had been all as true as I, there would not have been so much to do now, and the Declarant thinks Murray meant true to the King and Government.

(Signed) THOMAS WATERSTON, WALTER TAYLOR, JO. ROBERTSONE.

Edinburgh 8 December 1747.

I have this day received and perused the within precognition, and am of opinion that the case does not come up to or fall under the Act of the 6th of Queen Anne ch. 7, which makes the treasonable words therein mentioned to infer the penalty of premunire provided that Information of such words be given upon oath to a Justice of peace within three days after such words spoken. But I think the words declared by the Corporal and the Soldiers are seditious, highly disaffected or treasonable, by which I do not mean that they amount to High Treason, but that they express the disloyalty of the person who uttered them. And therefore, the uttering of them is an offence which may be tryed or punished by the Judges ordinary or Magistrates of the burgh with an arbitrary punishment, if upon tryal of the fact by examining the witnesses upon oath on a Complaint at the Fiscal's instance it shall appear to be lawfully proved.

(Signed) WILLIAM GRANT.

Endorsed:—N° 2.
In Ld Justice Clerk's letter
of Decr 15, 1747.

(*Enclosure III.*)

THE LORD JUSTICE-CLERK TO GEORGE MILLER.

Edinburgh, 11 December 1747.

Sir,

I return enclosed the Precognition against John Murray with The Lord Advocates signed opinion. It will be expected that his

tryal will be immediately proceeded in, and if found guilty that he be exemplarly punished. Folly or Drunkenness is no excuse, the Impudence and Ingratitude of the Enemys of the Government is so great, that it becomes necessary to make Examples of the first that comes in our way; Was Folly and madness admitted for Excuse, I do not know any of that Gang could be tryed.

It is reported at London that there is a Nonjuring Meeting house at Perth[1] under your eye, which, even for your sake, I wish may not be true. It would require Volumes to state all possible Cases upon the Act against Nonjuring Meeting houses. But when you state any case that happens and your difficultys thereon, you shall have an immediate answer from the Crown's Lawiers; What charges you are at I shall pay, though I am not yet repaid of what you have already had. I long much to hear of your having laid hold of such of the rebels as are still obnoxious to the Law, and done something in obedience to the orders transmitted to the Sheriffs. The Commanding Officer of the Troops has orders to assist you; pray do not make it necessary for the Troops to act without the Authority of the Civil Magistrate, for the Government must not be insulted.

Let me hear from you, and give me an opportunity of reminding those in power of your services.

I am, Sir,

Your most obedient humble Servant

(Signed) ANDR FLETCHER.

Endorsed:—No. 3. in Ld Justice Clerk's Letter of Decr 15, 1747.

(*Enclosure IV.*)

INFORMATION AGAINST JAMES DAVIDSON.

Sir,

The noted fellow Davidson, who made his escape from your Prison in Summer last, was apprehended last night within the Jurisdiction of this Shire, when he and some of his accomplices were robbing some peoples houses in a most daring and open way by wounding

[1] *Cf.* App. No. XLII., *infra*.

several, as a more particular information of the facts herewith sent you by Mr William Brown, minister at Cortachie, whose house they also invaded, will inform. And as he has formerly broken your Prison (when as I am informed he was to be carried to Edinr in order to be tryed there) I thought it necessary to send him to you to be close confined till you think proper to send him, for such a notorious common Enemy to the whole Country ought to be prosecuted by every officer of the Law so far as they can assist each other in bringing to Tryal.

I am with esteem,

Sir,

Your most humble Servt

(Signed) GEO. CAMPBELL, Carsgonie.

22d Novemr 1747. Directed thus, To George Miller Esqr, Sheriff Depute of the County of Perth.

Cairnmuir Nov. 23d 1747.

Dr Sir,

Enclosed you have ane Information against your old acquaintance and prisoner James Davidson who comes to make you a second visit. I send you also a letter from our Sheriff and I hope you will be at all pains to perform the desire of it. Publick interest and safety requires it, and if I have any personal interest to plead with you, I must also in mine own behalf and behalf of the very few Whigs that live in my neighbourhood beseech you to exert yourself in taking particular care of this notable rogue. He was very exact in pitching on such houses and families as he knows to be well affected to the present establishment, and I find it is a part of his creed that ane attempt upon such is no ways sinful, but rather ane Act of Publick. Why? because we are Enemies and Informers. I am convinced he has been put upon by our good neighbours, who as odious as they reckon it to inform to Government of any that are Enemies to them, that according to the Law they be punished or prosecuted from disturbing the publick peace, yet see no harm to inform such a Banditts against honest people they think proper to distinguish by ane odious name as proper persons to be robbed and murdered at the dead hour of the night without any form of Law or any well founded accusation or even probable presumption

against them. I must again use my interest with you to see this rogue looked particularly after.

If I don't mistake, there was a premium put upon this fellows head by your people when he made his escape from your prison. This I beg you will bestow upon the honest fellows that apprehended him for their encouragement. I do assure you they seized him at a great risk and I had a great difficulty to get as many as were sufficient for this purpose who were to be trusted. If they are gainers by it they may perhaps be more ready to undertake the like afterwards. I can tell you there is no security of such in our bounds. This from your most humble servt

(Signed) WILL. BROWN.

Directed thus, to Mr George Miller, Sheriff depute of the county of Perth at Perth.

Information Against James Davidson Prisoner in the Tolbooth of Kerriemuir to be carried to the Prison of Perth.

1mo Upon the 21st day of November 1747 years. He invaded the house of Mr William Brown minister at Cartochie with ane other in Company called John Watt with cock'd Pistols in their hands which they did present at entering the door about eleven of the clock forenoon.

2do About eight of the Clock said day, He with Watt, and ane other whose name is not known, went to the house of Robert Patton at Bridgend of Cortachie, and after wounding him and servants with a sword and swearing them to secrecy, having a cock'd pistol in his hand, he plundered what was in his pocket, broke his doors and carried off in haste from him in cash upwards of five pounds sterling, besides his Big Coat, A Web of Cloath &c.

3tio He with the above accomplices went immediately to the house of Robert Clark, wright at said Bridgend, where he robbed Robert Clark's wife (He being from home) of her money, being about five shillings sterling, held a Cock'd pistol to her breast, which her daughter Isobell Clark endeavouring to divert from doing harm to her mother, he immediately discharged and shot the said Isobell Clark through the right arm, all which can be clearly proven by Witness

(Signed) WILL. BROWN.

Perth 24 Novemr 1747.

The within Information being presented to John Richardson, Sheriff substitute of Perthshire and considered by him, He grants warrant to commit the person of the within James Davidson to Prison within the Tolbooth of Perth, therein to remain until he be liberated by due course of Law, And ordains the Keeper of the Prison to receive his person and keep him in safe custody as he will be answerable.

(Signed) JO. RICHARDSON.

Perth 10th June 1747. In presence of George Miller, Sheriff dept of Perthshire.

Adam Wilson Corporal in Capt Salt's Company of General Skelton's Regiment of Foot lying at Dundee, Montrose &c. delivered over to the Sheriff the Person of one James Davidson with a missive letter dated at Montrose the 8th Currt (Signed) St John Leader, a Capt in the said Regiment, Addressed To the Officer commanding General Skeltons Regiment at Dundee, but that address being scored out, the missive is now addressed To Clerk Miller at Perth, and of which missive Letter The Tenor follows.

Montrose 8th June 1747.

Sir,

Pursuant to Lord Albemarle's Orders of 12th Febry I have sent one James Davidson, a Deserter from the Scots Fuziliers, a noted rebel and robber, in order that he may be transmitted to Perth, Pursuant to said order. He is the same person who headed a score more rogues, and robbed and plundered the Clergy and Country round about this place & Brechin, so that the honest people rejoice that he is taken.

I am, Sir, Your humble Servt

(Signed) ST JOHN LEADER.

P.S.—There will be sufficient evidence against him as to the several crimes alleadged against him.

Addressed thus, To Clerk Miller, at Perth.

The said James Davidson being examined by the Sheriff, declares that he is son to the now deceast John Davidson, Gunsmith in Brechin. That he enlisted in the Regiment of Scots Fuziliers in July 1739 and

served as soldier in that Regiment till he was taken Prisoner by the French at the Battle of Fontenoy in summer 1745, when being carried into France, where being harshly used, he was forced to enlist in the French Regiment commanded by Lord John Drummond, in which Regiment he came from France to Scotland in winter 1745, and was with them in the Town of Stirling at the time of the Battle of Falkirk in January 1745/6. That he did march with that Regiment in the rebel army from Stirling to the North of Scotland in Febry yr after, and that at the time of the Battle of Colloden in April yr after he the declarant was one of a party of the rebel Army who were guarding some of the Kings Troops who had been made Prisoners by the Rebels and were then kept prisoners at the East End of Lochness. That ever since that time the Declarant has been skulking in the Highlands till the 5th June Instant in the evening when he was made prisoner at Siletefoord four miles benorth Brechin by a party of Genl Skelton's Regiment, and from thence came to Montrose, from thence to Dundee and from that to Perth, but the Declarant denys that he had any occasion to the robberies and plunderings mentioned in the above information against him, and declares he cannot at present sign his name as his hand is trembling with fatigue and want of Food.

(Signed) GEO. MILLER.

Eod Die.

The Sheriff considering the Confession of the said James Davidson and that the above information signed by Capt. Leader against him charges the said Davidson with certain robberies and that sufficient evidence will be found against him, yrfore ordains the said James Davidson to be committed to and detained prisoner within the Tolbooth of Perth till he be liberated by due course of Law. And ordains a signed copy of the above information and confession and of this warrant of commitment to be given to the prisoner if he requires it.

(Signed) GEO. MILLER.

Endorsed:—No. 4. in Ld Justice Clerk's
of Decr 15, 1747.

(*Enclosure V.*)

LIST OF PERSONS PROPOSED TO BE ASSISTING TO LIEUTENANT GENERAL BLAND IN THE EXECUTION OF THE DISARMING ACT.

Lieut General George Churchill.
The other General Officers who shall be put on the Staff in Scotland.
Lieut Colonel David Watson, Deputy Quarter Master General.
Major William Caulfield, Lieut Governour of Inverness.
Captain Alexander Campbell, Lieut Governour of Fort William.
The Lieut Governour of Fort Augustus when appointed.
Colin Campbell of Carwhin.
Captain Duncan Campbell of Inveraw.
Sir Henry Monro of Fowlis.
Captain George McKay.
Lieut John Forbes of New.
Donald Campbell of Airds.
Ensign James Stewart, Assistant to the Deputy Quarter Master General.
Mr Neil Campbell belonging to the Ordnance and appointed by that Board to receive all the Arms and send them to the Tower.

Endorsed:—No. 5. in Ld Justice Clerk's Letter of Decr 15, 1747.

(*Enclosure VI.*)

LIST OF OFFICERS OF THE ARMY PROPOSED TO BE ADDED TO THE ORDINARY LISTS OF THE JUSTICES OF PEACE IN ALL THE COUNTYS WHERE THE DISARMING ACT TAKES PLACE.

Lieut General Humphrey Bland.
Lieut General George Churchill.
The other General Officers who shall be put on the Staff in Scotland.
Lieut Colonel David Watson, Deputy Quarter Master General.

Major William Caulfield, Lieut Governour of Inverness.
Captain Alexander Campbell, Lieut Governour of Fort William.
Captain Duncan Campbell of Inveraw.
Sir Henry Monro of Fowlis.
Captain George McKay.
Lieut John Forbes of New.
Ensign James Stewart, Assistant to the Deputy Quarter Master General.

Endorsed:—No 6. in Ld Justice Clerk's Letter of Decr 15, 1747.

(*Enclosure VII.*)

ALEXANDER GARDEN TO THE LORD JUSTICE-CLERK.

My Lord,

As I understand that Mr Gordon of Avochie, who has for some time past been employed in endeavouring to recover the Compt books and papers whereof I was robbed in Sept 1746,[1] has given offence by appearing openly in several places of the Country, And as the recovery of these books and papers are of the utmost consequence to me I must beg leave to lay before your Lordship an account of that affair, whereby I am hopeful it will appear that he has offended through mistake and not design.

After several vain attempts to recover my papers it was suggested to me that John Gordon of Avochie was the most proper person for that purpose, seeing he lived near and had a general Acquaintance in the Country where several of the robbers were suspected to reside. With this view I applied to my Lord Albemarle for a protection to him that he might be set at liberty to go about in search of the papers, and my Lord was so good as [to] grant him one for two months, which elapsed without success.

After my Lord Albemarle left Scotland, as there was no body in this country who had power to grant protections, I applied by my friends at London for a protection to him from the Secretary of State,

[1] *Cf. supra*, No. CLIX. (Enclosure ii.)

and by my returns from thence had reason to believe that it would be obtained. Of this I acquainted Mrs Gordon, Avochie's wife, that she might tell her husband, who thereupon immediately set about the recovery of the papers.

Your Lordship will please to observe that the robbers had divided my papers amongst them, so that Avochie was under the necessity of travelling about from place to place in order to find them out, And I don't question but the expectation of the protection made him imagine that there was no harm in appearing openly.

This my Lord is the matter of fact, and if your Lordship is of opinion that there has not been any thing done amiss I must presume to entreat the favour of your Lordships interest for obtaining the protection, which will lay me under the highest obligation, for I am now informed that all my books and a great part of my papers are in Avochie's hands, and the only thing that prevents my getting possession of them is the want of the protection.

I beg your Lordships forgiveness for this trouble and

I am,

My Lord,

Your Lordships most obedient and most humble Servant,

(Signed) ALEXR GARDEN.

Edinburgh Decemr 15th 1747.

To The Right Honourable The Lord Justice Clerk, Edinburgh.

Endorsed:—No 7. in Ld Justice Clerk's Letter of Decr 15, 1747.

XLI.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edenb. 19 Decr 1747.

My Lord Duke,

I have the Honour to send yr Grace inclosed the Lists of the Justices of Peace for the Countys of Elgin, commonly called Murray, and Cromartie with observations and additions.[2]

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 52. [2] The list is not in the bundle.

I have inclosed a Copy of a Letter from Mr Douglas, storekeeper at Fortwilliam, with the latest intelligence from that Countrey. I do not hear any thing of a French ship haveing arrived in the west Highlands of Scotland &c. further than contained in a Letter from a Correspondent in the Isle of Skye, of which I sent your Grace a Copy some time agoe.[1] I have sent a person through the Rebell Country and shall soon send another who may be depended on, and hope to send your Grace some certain accounts of what is passing in that Countrey.

I have the Honour to be with the utmost Respect,

My Lord Duke

Your Grace's most obedient and most humble Servant,

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. Decr 25th.

(*Enclosure.*)

MR DOUGLAS TO THE LORD JUSTICE-CLERK.

Fort William 9th Decemr 1747.

There was last week a meeting of the greatest part of the principall Men of the Camerons at a place two miles from hence. They met upon account of the great Theft of Cattle that has been practised by the Commonality (more of late than formerly). I had spies amongst them and could not learn they had anything further in view. Cameron of Fasefern,[2] Brother to Lochiel, appointed the Meeting and was with them. I have some reason to think there has been some money lately distributed amongst the Disaffected, for I perceive a fresh Circulation of Lewidors amongst the Highlanders, tho' I have no Intelligence of the way they have come by them. I shall not neglect making what Enquiry I can and when I learn anything worth notice shall not fail writing.

Endorsed:—Copy of a Letter from Mr Douglas at Fort William, 9th Decr 1747. In the Lord Justice Clerk's Letter of Decr 19th 1747.

[1] App. No. XXXVIII. (Enclosure iii.).

[2] John Cameron of Fassefern.

XLII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edenbr 24 Decr 1747.

My Lord Duke,

I have the Honour and pleasure to send your Grace inclosed an Extract of the Tryall and conviction of Mr George Semple, nonjuring clergy-man at Perth, upon the late Act of Parliament against nonjuring Meeting Houses; he was catched on Sunday and the next day his Tryall was begun & finished by the zeal & conduct of Mr George Miller, Deputy Sheriff of Perth.

I also send inclosed the Lists of the Justices of Peace for the Countys of Caithness and Stirlingshire with observations and additions.

I have the Honour to be with the utmost Respect,

My Lord Duke,

Your Grace's most obedient and most humble Servant,

AND. FLETCHER.

Endorsed:—Rd. 30th.

(*Enclosure.*)

PROCESS AND SENTENCE AGAINST THE REV. GEORGE SEMPLE.

John Robertsone of Tullibellan Esqr Provost & Sheriff of the Burgh of Perth, William Stewart, Robert Marshall, John Stewart & Patrick Coupar present Baillies of the said Burgh

To

Officers and Serjands of the Same Conjunctly & sealie [severally] specially Constitute Greeting. Forasmuch as It is humbly meant & showen to us by Walter Miller Pro Fiscal of the Burrane Court of the said Burrow for His Majesties Interest That by an Act of Parliament made in the Nineteenth year of the Reign of our present sovereign Lord King George the Second Intituled an Act more effectually to prohibite & prevent Pastors and Ministers from Officiating in Episcopal

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 58.

Meeting houses in Scotland without duely qualifying themselves according to Law, & to punish persons for Resorting to any Meeting houses where such unqualified Pastor or Ministers shall Officiate, It is for the weighty Reasons & Causes therein mentioned, among other things Enacted, That if any person shall from & after the first day of September One Thousand Seven Hundered & fourty six years presume to enter upon or Exercise the function of a Pastor or Minister of any Episcopal meeting or Congregation in Scotland without having first Caused his Letters of Orders Given by some Bishop of the Church of England or Ireland to be entered on Record or Registered, or without having first qualified himself by taking and subscribing the Oaths in such manner as all officers Civil & Military in Scotland are by Law obliged to take, and subscribe the Same, & producing to the Clerk of the Shire Stewertrie or Burrow where his Meeting house is Situate a Certificate from the proper officers of his having so qualified himself by taking the Oaths to his Majestie appointed by Law, or without having first produced & Caused to be entered in the manner directed by the said Act in the books to be kept by the Clerk of the Sheriff, Stewart or Burrow Courts Respectively where the person proposes to officiat as a Pastor or Minister, his name and place of abode & the place where his meeting is to be held, or in Case any person who shall officiate as a Pastor or Minister in any such Episcopal Meeting houses or Congregation shall not as often as he shall so officiate at some Time during Divine service pray for His Majestie by name his heirs & Successors & all the Royal family in the manner by the said Act Directed, every person So offending in any of the premisses being thereof Lawfully convicted before any Two or more Justices of the peace or before any other Judge Competent of the place, Summarily shall for the first offence suffer Imprisonment by the space of Six months & for the Second or any Subsequent offence the other punishments by the said Statute Enacted, And by the said Statute it is Enacted & Declared That any meeting Assembly or Congregation in Scotland where there shall be five persons or more Assembled or mett together to hear Divine Service over & besides those of the household if it be in any house where there is a family Inhabiting, or if it be any house or place where there is no family Inhabiting then where any such five or more persons shall be so assembled & mett together to hear Divine service &

where Divine Service shall be performed by a Pastor or Minister being of or professing to be of the Episcopal Community every Such meeting Assembly or Congregation shall be deemed & taken to be an Episcopal Meeting house within the true Intent & meaning of the said Act of Parliament above resited, And by the said Statute the said Sherriff & Stewarts & their Deputes & the Magistrates of Royal Burrows are Strictly required to make Diligent Enquiry Concerning any offences Against the said Act, & to Inflict the penaltys thereby Imposed as is therein manefully Related, And That True it is That Mr George Semple, Episcopal Pastor or Minister, Residing within the said Burgh of Perth, having shaken off the fear of God & his natural allegiance & obedience to our Sovereign Lord the King & in open Contemp of the said Law, he the said Mr George Semple has presumed to Exercise the function of a Pastor or Minister of an Episcopal meeting or Congregration within the Town of Perth in Scotland, without Recording his Letters of Orders & without producing a Certificate of his having taken the Oaths to His Majestie, & without producing & Causing Enter his Home & place of abode, & the place where his meeting was to be held as is Directed by the said Statute, In so far as he the said Mr George Semple, without having first Qualified himself as aforesaid, Did as a Pastor or Minister of the Episcopal Communion Perform Divine Service, where five or more persons were assembled & mett together to hear the said Divine Service over & besides those of the Houshold where it was performed, upon each one or upon one or other of the Lords Days, Sabbath Days or Sundays of the Moneths of September, October, November & December jviic & fourty six years, or of the Moneths of January, February, March, Aprile, May, June, July, August, September, & November & the Current Month of December jviic & fourty seven years within all or one or other of the Dwelling houses or other houses in the said Town of Perth possessed or Inhabited by the Persons after named, To witt John Hegginson, Mercht in Perth, Watson Relict of the Deceast Patrick Davidson Sometime Mercht & Provost of Perth, Walter Keir Mercht there, Davidson Relict of Stewart of Stentan, Robert Wilson Mercht & writing Master in Perth, Jean Mercier Relict of the Deceased Mark Wood Mercht in Perth, or in some other house or place within the said Town of Perth, and particularly he the said Mr George Semple did

presume to perform Divine Service as aforesaid within the said Dwelling house of the said Watson Relict of Provost Davidsone upon Sabbath the Twentieth day of December betwixt the hours of Nine forenoon & Two of the clock afternoon or some other time of that Day to an Episcopal Meeting or Congregation of five or more persons then & there Assembled & mett together to hear the said Divine Service performed by the said M[r] George Semple Attour or besides those of the houshold or family of the said Watson, & also True it is that the said M[r] George Sempell Did not at any of the Times or places above said when & where he did perform divine worship as aforesaid pray for his Majesty by name & all the Royal family in manner by the said Act directed, And Therefore the premisses being found proven the said M[r] George Semple ought to be decerned & adjudged to suffer Imprisonm[t] by the Space of Six Months in obedience & Conform to the Act of Parliament above recited Herefore. It is our will & we Charge you Strictly & Command that Incontinent this our precept seen ye pass & in His Majesties name & Authority Lawfully Summon warn & Charge the s[d] M[r] George Semple personally or at his Dwelling place to Compear befor us in a Burrow Court to be held by us or either of us within the Town Clerks Office this day by nine of the Clock forenoon to Answer at the Instance of the purs[r] in the matter Lybelled with Certification, As also that ye Summon warn & Charge To bear Seal and Sooth fast Witnessing in the fores[d] Action & Cause time and place fores[d], And this is no waies y[e] leave, y[e] which to do we Committ to you & each of you as s[d] is our full power by this our Precept Subscribed by our Clerk of Court At Perth this Twenty first day of dec[r] jvii[c] & fourty seven years. (Signed) G. A. Miller, C[lerk].

At Perth & within the Town Clerks office the Twenty first day of December jvii[c] & fourty Seven years in presence of John Robertson of Tullibellan Esq[r] Provost & Sheriff of Perth, William Stewart, Robert Marshall, John Stewart & Patrick Couper present Baillies of the said Burgh Compeared personally Walter Miller pro Fiscal of Court purs[r] & repeated his Lyble Ag[t] the said M[r] George Semple Defen[r]. Compeared Likewise personally the said Def[r] & upon openly reading the Lyble in Court the said Def[r] being examined if or not he has produced his Letters of Orders to be Recorded or if he did produce a proper Certificate of his having taken the Oaths to his Majestie or if he has offered & Caused

Record his name & place of abode & the place where his meeting for Worship was to be held, & if or not when he has performed Divine Worship in the Town of Perth during the space of Time Lybelled he has prayed for his Majestie by name as by the Statute Lybelled on is Directed, he the said Defr did Answer to all these questions in the Negative & gives this reason, that as he has hitherto had no Intention to Exercise the function of a Pastor or Minister to any Episcopal meeting or Congregation in the Terms of the Statute Lybelled on he has not therefore observed the Conditions & Qualifications Enacted by the Statute, & the said Defr being further Interrogated if or not he has at any of the times & places Lybelled performed Divine Service where five or more persons were assembled to hear the said service performed Attour & besides those of the household where it was performed He Answers in the Negative, & being asked if he the Defr is a Pastor or Minister of the Episcopal Communion or profeses himself to be such, he answers in the Affirmative. (Signed thus) George Sempell, Jo. Robertsone.

Then the Pror Fiscal Insisted That the Lyble is Relevant as to each of the Times & places & facts Lybelled since the first of Septemr jviic & fourty Six, yet as he has had Time only to bring prooff of the Defr his having performed divine Service yesterday in the manner Lybelled, he the pursr ought to be allowed to adduce the prooff of that fact now & another day Assigned for his proving the other facts Lybelled, which being Considered by the Provost & Baillies They find the Lybell as to the fact done by the Defr yesterday Relevant to Inferr the punishment Lybelled & admitts the same to the pursrs Probation & they delay the advising of the Relevancy of the Lybell as to the other facts Lybelled till the day of

(Signed thus) Jo. Robertsone.

Then the persons afternamed who are Cited as witnesses in this process being Called they Compeared and Deponed as follows.

William Harper, Corporal in Capt Leader's Company of Lieut. Genl Henry Skeltons Regt of foot lying at Perth, Married, aged thirty one years, Witness admitted purged of partial Council Sworn and Examined Depones that yesterday the Twentieth Current about a quarter

of an hour after Eleven of the Clock forenoon he the Deponent with Benjamin Bird, Corporal in Genl Skelton's own Company, went to the house of Walter Kier Merch^{t} in the street of Perth called the Watter gate where they did see one of the Conducters of his Majesties Train of Artillery at Perth who told them that he believed they would find what they wanted in the house Immediately below that, on which they went down stairs to the Dwelling house of Watson relict of Provost Davidson late of Perth & finding the outer door open they went in & having heard within a Room on their Right hand, the door of which was Shutt, the voice of a man either preaching or reading prayers as they took it, they agreed to enter that Room, & Corporal Bird having gently knocked & then offering to turn the Sneck & open the door Two Women who the Deponent believes are the Servant maids of the house Came out to them from the Kitchen, one of them having her head bear & her Tay or Cape in her hand & insisted with the Deponent and Corporal Bird not to enter that Room, but he the Deponent & Corporal Bird having both entered the room they Did then see & observe the Def^{r} Mr George Semple standing there with a Little book open in his hand & a large book shutt with silver clasps lying on the Table, & did then see the said Def^{r} hastily pull off from his own neck something in the form of a Band & at the same time they did see several men & women raysing up hastily from their knees within that room and the Deponent having numbered them he found them to be Ten men & women & four boys, the youngest of whom appeared to be about Ten years of age, besides the Defen^{r}. Depones That as this meeting or Assembly seemed to be affrighted when the Deponent and Corporal Bird entered the Room they told them they would give them no disturbance, on which a young Gentlewoman in a plaid or Tartan Gown asked who had sent them there, to which they answered that they had no Intention to affright or Interrupt their meeting & a little after the meeting disperst without proceeding further in divine Service, & what he hath Deponed is Truth as he shall answer to God. (Signed thus) Willm Harper, J^{o} Robertsone.

The above named and designed Benjamin Bird, unmarried, aged Twenty seven years, Witnes admitted Sworn purged of partial Council & Examined, Depones alike to the preceeding Witness William Harper with these Variations only, That he does not Remember the Conducter

of the Train directed them to Mrs Davidsones house, That he did not observe a large book lying on the Table & that tho' he did then see a Band on the Defr Mr Semple's neck he did not observe then pull it off, & what he hath Deponed is Truth as he shall answer to God. (Signed thus) Benj. Bird, Jo Robertsone.

Then the Defr Mr Semple alleadges That there were present with him in the meeting yesterday Deponed to by the two witnesses the persons afternamed who are of Mrs Davidson houshold or family, To wit Mrs Davidson herself, — Watson her sister, Relict of — Settan, brother to Carreston, Anna Davidson, Mrs Davidsons Daur, Patrick Davidson, son of the deceast Patrick Davidson of Woodmiln, Thomas Robertson late of Mucklie presently a Lodger in Mrs Davidsons house, & William Pourie Labourer or workman in the Town of Perth, who the Defr alleadges is Mrs Davidsons hired Servant & receives his daily food and wages in her family, at least eats some times there & receives his wadges from her termly tho' he lodges with his wife in his own separate dwelling house in Perth, at least the Defr thinks this Pourie was present in the meeting yesterday, & further the Defr alleadges that there were no young boys in that meeting excepting John and Patrick Kiers, Sons to Walter Kier Merchr, the eldest of whom is about Ten years & the youngest about nine years of Age & who the Defr thinks cant be Reckoned Members of a Congregation. (Signed thus) George Sempill, Jo Robertsone.

To which allegiance of the Defrs the Pro Fiscal makes Answer That Thomas Robertsone late of Mucklie who has no further Concern in Mrs Davidsones family than to lodge in her house when he Comes occasionally to the Town of Perth & is a doer or Servant to the Earle of Weeymess & Resides for the most part at his house or the house of Gask, That William Pourie by the Description the defr himself has given of him, tho' that were proved, he Can no more be reckoned of Mrs Davidsones household or family than any other Burgess or Inhabitant of the Town who might have frequently business with her & so come to her house, & the pursr can prove that the said Pourie is ordinarily employed by the Inhabitants of the Town amongst the other publick workmen who Labour for dayly hire to any person that employs them, That Walter Kiers two Sons are of an age very Capable of Instruction & prone to drink in good or bad principles & of Joining in Divine

Service, And further the purs^{r} Contends that altho' the whole Eight persons mentioned by the Def^{r} Could be Legally Cut off from the Number of the assembly or Congregation who did meet to hear the Def^{r} perform divine Service yesterday, wich the purs^{r} Cannot Grant, yet there would still remain the number of six persons in that meeting besides the Def^{r} himself, so that in whatever light this affair is taken the Article of the Lyble found Relevant is Cleirly proved, & therefore the punishment Incurred by the Def^{r} ought to be Inflicted in obedience to the Statute. (Signed thus) Wal. Miller, Jo. Robertsone.

Thereafter the Def^{r} Contended that the Lybell Cannot be found proven in Terms of the Statute in regard the witnesses do not depone That the def^{r} did at that time & place perform divine worship, but that they only Swear that thro' a Shutt door they heard the voice of a man preaching or praying as they took it but do not Condescend whether it was preaching or praying. To which the purs^{r} Answers that besides what the Witnesses Sware as to preaching or praying they do positively Swear that they Saw that Congregation on their knees in a worshiping posture & the def^{r} amongst them with a book open in his hand, with a band about his neck, tho' he does not ordinarily wear one in a week day, & that the Def^{r} proposeing a defence as to the number of Mrs Davidsones family was useless if there was not divine worship performed in that meeting, which his proposeing that defence Supposes to be true.

Eod Die

The Provost & Baillies having advised this Cause Finds the Article of the Lyble found Relevant is proven And Therefore Decerns & adjudges the Def^{r} Mr George Sempell to suffer Imprisonment by the space of six months from & and after this Day in Terms of the Act of Parliam^{t} Lybelled And Accordingly They Ordain the s^{d} Mr George Semple to be Committed to the Tolbooth of Perth there to be detained in sure Custody during the fors^{d} space. (Signed) Jo. Robertson, Will. Stewart, Robert Marshall, John Stewart, Patt^{r} Couper.

That what is Contained in the ten preceeding Pages is an exact Copy of the prin^{ll} Process is attested by

GEO. A. MILLER.

Endorsed:—In the Ld Justice Clerk's
of Dec. 24, 1747.

XLIII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Brunstain 31st Decemr 1747.

My Lord Duke,

By a Letter I had from George Miller, Deputy Shirriff of Perth and Procurator Fiscal (that is Carrier on of Prosecutions) before the Magistrates of Perth, I find that these Magistrates are beginning to think that they have gone far enough in trying Convicting and Sentenceing Mr George Semple, nonjuring Minister, upon the late Act (a copy of their proceedings I had the honour to transmitt to your Grace some posts ago), for the Magistrates are making some delay in proceeding to execute the Law against the Hearers of the said Mr George Semple, which I am informed is owing to the Magistrates being reproached by some Evil designing, or at least foolish persons, for their being the first Magistrates in Scotland who have put the law against Nonjuring Meeting houses in execution, and Mr Miller has also Stated a Doubt whether the punishing the Hearers might not at this time render the prooff more difficult against other Nonjuring Ministers.

I have the honour to transmitt to your Grace a copy of a Letter I have wrote to Mr Miller on this occasion to be shown to the Magistrates of Perth, which I hope may have the desired effect.

I have also inclosed Lists of the Justices of peace for the Countys of Kincardine and Forfar with observations and additions. General Bland will inform Your Grace of the latest Intelligence from the West Highlands.

I have the honour to be with the utmost Respect

My Lord Duke,

Your Grace's most obedient and most humble servant,

AND. FLETCHER.

Duke of Newcastle.

[1] *S. P. Scotland, Geo. II. Bundle* 38. *No.* 61.

(*Enclosure.*)

THE LORD JUSTICE-CLERK TO GEORGE MILLER.

29 Decr 1747.

Sir,

The Tryal and conviction of Mr George Sempil Nonjuring Clergyman was carried on and conducted with so much spirit and zeal that it gave General Bland and me and I believe every good Subject great pleasure and Satisfaction. The Magistrats of Perth and you have thereby great merit. I transmitted the copy of the process and Sentence against Mr George Sempil by the very first post to His Grace the Duke of Newcastle and did not fail to do Justice both to them and you upon that occasion.

It is absolutely necessary to put the Laws in execution also against the Hearers of Mr Sempil, and the prudential arguments that you sugest for any delay in that matter have no weight with me. The officers of the Law ought always to put the Laws in execution be the consequences what they will. Besides in this case I think that the Arguments that you sugest rather cut the other way, and I need only trouble you with mentioning one consideration which will show the necessity of putting the Laws in execution against the Hearers as well as the Preachers, viz. that while the Hearers hope for Impunity there will always be found Preachers hardy enough to run all risque, But if the Hearers be once touch'd they will be sooner deterred from transgressing the Laws, And therefore As the Magistrats of Perth have had the honour to be the first Judges who have put the late Act of Parliament in execution against Nonjurant Ministers, I am perswaded they will not (upon the least reflection) permit themselves to lose the credit they have already got, nor neglect to put the Act in execution likeways against the Hearers when they have such a fair opportunity in their hands as they now have against five of Mr Sempil's Hearers, And I beg that they may disregard the Reflections of the Jacobites and their Agents on this and all other occasions, And that they may behave like Men zealous for His Majestys Service and active in their duty for putting the Laws in execution, which are so necessary for the preservation of the peace and quiet of His Majestys Government and our happy Constitution.

Endorsed :—In the Ld Justice Clerk's
of Dec. 31, 1747.

XLIV.

THE LORD JUSTICE-CLERK TO THE SHERIFF OF ABERDEEN.[1]

Copy. Edinburgh 4th Janry 1748.

Sir,

I have enclosed the principal answers to the case which as I am informed relates to two Meeting houses if not more in your County. You will therefore according to the orders formerly sent to you in obedience to His Grace The Duke of Newcastle, His Majesty's principal Secretary of State's Commands give directions for carrying on immediate prosecutions against the Ministers of these Meeting houses and you shall be reimbursed of all charges laid out in that affair.

You will also be pleased to send me a note of the names of the principal persons who support and frequent these meeting houses.

I am &c.

(Signed) ANDR FLETCHER.

Sheriff of Aberdeen.

Endorsed:—In Ld Justice Clerk's Letter of Jany 19, 1747/8.

(*Enclosure.*)

ANSWER TO A QUERIE UPON THE LAWS CONCERNING EPISCOPAL MEETING HOUSES IN SCOTLAND.

The following querie has been sent to me by The Lord Justice Clerk that I might give my opinion upon the same.

Whether Pastors who had officiated in Episcopal Meeting houses in Scotland before the Act of the 19th of the Kings and in pursuance of that Act did qualify themselves by taking the oaths on or before the 1st of September 1746 are entitled to the benefit of the Act of Toleration passed in the 10th of Queen Anne if they have received orders from the hands of a Scots Protestant Bishop altho' their Letters of orders were not recorded before the said 1st Sept 1746.

[1] *S. P. Scotland, Geo. II. Bundle 39. No. 2.*

Answer. By the Act of the 10th of Queen Anne every such Pastor or Minister before he can take upon him to officiate as such is oblidged and required to present his Letters of Orders to the Justices of peace at their General or Quarter Sessions to be entered on record, and by the Act of the 19th of the King it is enacted that from and after the 1st day of Sept 1746 No Letters of Orders of any Pastor or Minister of any Episcopal Meeting or Congregation in Scotland shall be deemed sufficient or be admitted to be registered but such as have been given by some Bishop of the Church of England or of Ireland. And in case any Letters of Orders other than such as are before described shall be registered, such registration shall be deemed null and void to all intents and purposes. And as the Law stands by these two Statutes I cannot see how such ministers can be intitled to the benefit of the Act of Toleration passed in the 10th of Queen Anne as have not presented and caused to be recorded their Letters of orders as that Act requires to intitle them to that toleration, for if this condition has not been complied with on or before the 1st day of September 1746, The Act of the 19th of the King makes *it now too late* to register any Letters of Orders but such as have been given by some Bishop of the Church of England or of Ireland and declares the Registration of any other Letters of Orders to be null and void to all intents and purposes.

This is the humble opinion of

(Signed) WILLIAM GRANT.

Edinb 4 Janry 1748.

Endorsed:—4th Janry 1748.

Transmitted of the date to the Sheriff of Aberdeen.

In Ld Justice Clerk's of Jany 19, 1747/8.

XLV.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Salton 19th of Janr 1747/8.

My Lord Duke,

General Bland sent your Grace last week an account of the seizing Mr Alexander Greig, Nonjuring Minister, preaching to a

[1] *S. P. Scotland, Geo. II. Bundle* 39. *No.* 6.

numerous congregation at Stonehaven in the County of Kincairden, with the behaviour of the Deputy Sheriff thereupon, and that I had wrote to the Deputy Sheriff to send me an Account of his conduct. I have now the honour to send your Grace enclosed a Copy of the Deputy Sheriffs Letter to me and of my answer to him, with a Copy of the Lord Advocates signed opinion transmitted to the Deputy Sheriff, to all which I beg leave to refer and to beg your Grace's further directions.

I send also enclosed a Copy of Lord Advocates opinion upon the case of at least Two Meeting Houses lately set up in the County of Aberdeen, together with a Copy of my letter enclosing the same to the Sheriff of Aberdeen, and I shall be glad if what I have done shall meet with your Grace's approbation. I have not yet had an Answer from the Sheriff, but shall have the honour to transmit a Copy of it how soon I receive it.

I am certainly informed that there are French passes come from Bourdeaux (by way of Holland) to some merchants at Edinburgh for importing corn to France; I do not hear that any Merchant here has as yet attempted to make use of any of these Passes.

I send enclosed Lists of the Justices of Peace that now are for the County of Bamff and Dumbarton, with observations and additions. I have not had the honour to know if the method I have observed in these Lists meets with your Graces approbation.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble servant,

AND. FLETCHER.

P.S.—The Provost of Ed^{r} when I spoke to him yesterday had not got any information from those employed to observe the proceedings of the Non-Juring Ministers and their Hearers at Edinburgh.

Duke of Newcastle.

Endorsed:—Rd. 25.

(*Enclosure.*)

THE DEPUTY-SHERIFF OF KINCARDINESHIRE TO THE LORD JUSTICE-CLERK.

Copy.

Stonehive, 12th Janry 1747/8.

My Lord,

I received yours of the 9th curt and am very sorry that your Lordship or His Excellency General Bland should get any trouble anent my Conduct in my Office. I could easily make it appear that the cause proceeds from the party here being commanded by a young man, But as this [is] no complaint upon my person but an answer to the charge against myself I proceed to answer your Lordships Letter.

In terms of the late Act of Parliament and the order sent to my Lord Kintore, a copy of which His Lordship sent me, I made inquiry anent the Nonjuring Meeting houses.

In the time of the late Rebellion there were Six Meeting houses in this County.

In October 1746 I caused summonds before me Twenty four persons I was informed were ordinary hearers, four for each Meeting house, and on the 31st of that month examined them all upon oath, and they all deposed they knew no Meeting house in the shire contrary to the said Act of Parliament.

About the beginning of December 1747 I caused Summonds before me other Twenty four persons I was informed were hearers, and on the 10th of that month I examined them all (except one absent on account of sickness) on oath, and they all deposed they knew no Meeting house in the County contrary to the said Act of Parliament.

On Saturday the 2d day of January instant, Lieut Marks Weeks of General Blackneys Regt who commands here came to me, and said he had very lately got some orders anent the Nonjuring Clergy but produced none. He asked a warrant to take up some of them. I told him of the Enquiry I had made so late as the 10th of December last and offered to show him the witnesses Depositions, and at same time told him I did not think I was warranted by the late Act of Parliament to imprison them before they were convict, therefore gave no warrant. I must do Mr Weeks the justice to acknowledge that sometime before he showed me the General's order anent Nonjuring Meeting houses, &c.

On Sunday the 3d of January instant in the Evening Mr Weeks informed that in the time Mr Greig, a Nonjuring Minister, was performing Divine Worship in a house in this Town to a numerous Congregation; he had made him and all the Congregation prisoners, had them under Guard and required me to receive them off his hand, which I went to do and found two Centrys at the door of the house and a party of Soldiers within. I received Mr Greig, then asked the officer for the Congregation but If ever there was such a congregation met or what was become of them I know not.

One thing I know he had not one of them to deliver to me.

Mr Greig offered bail to compear at any time when called by a Citation personally or at his Dwelling house to answer to Mr Weeks information. And instantly before I left the room I seed lodged in the Clerks hands a Bail bond subscribed by a Responsible man to present Mr Greig as above under the faillie of five hundred merks, upon which I set him at liberty. And that very same week there was raised and execute against him a Criminal Summonds to the 29th curt founded on the late Act against Nonjuring Ministers.

As to the other part of your Lordships Letter there was never another application made to me by the Military for any Warrant nor did I ever grant any Warrant to them, but one to Mr Weeks to search for and apprehend Alexr Garioch of Mergie in consequence of the order sent by my Lord Kintore, and I was so anxious to keep it secret that I walked out in the fields with Mr Weeks and told him what he was to do. He observed all my directions except as to the hour of marching his party, the place to be searched being three miles distant. It was my opinion he should not move his party until betwixt 4 & 5 in the morning (this being in the beginning of November). But he marched betwixt 6 and 7 at night, and as I was afterwards informed, a friend of Mr Garioch's took suspicion at calling the soldiers and run his servant express to Mergie, which servant the soldiers met in his return before they got to the house.

Any person in publick office that do not most faithfully keep such warrants secret is at least guilty of betraying his trust, which I never did nor shall do.

In obedience to your Lordship's Letter I shall order new prosecutions against all the other Nonjuring Ministers in this country and shall

cause prosecute the hearers. I do assert that in this long letter I have not said anything but what is matter of fact and can be evidenced, So I hope your Lordship will see that my conduct could not have been otherways consistent with Law.

I have the honour to be

My Lord,

Your Lop^{s} most obed^{t} hum^{le} Servt

(Signed) JO. YOUNG.

To The Right Honble The Lord Justice Clerk.

COPY OF THE LORD JUSTICE-CLERK'S ANSWER.

Brunston, 15 January 1748.

Sir,

I received yours dated at Stonehive the 12th instant, and taking for granted that what you say in the conclusion of your letter, *that every fact asserted in your long letter is true*, it does not from thence follow that you have proceeded in any reasonable or effectual way to give obedience to the orders transmitted to you by the principal Sheriff The Earl of Kintore, either with respect to seizing the persons attainted or excepted in the late Act of Indemnity, or putting the Law in Execution against Nonjuring Meeting houses. Your method of calling some hearers of every nonjuring Preacher within your bounds and examining them if they knew of any meeting house contrary to the late Act of parliament, as it makes them Judges of the Law, and for many other obvious reasons, was by no means a proper measure for discovering the truth (however specious it may appear), for you see in the very Town of Stonehive, where your Court sits, Mr Alex^{r} Greig a Nonjuring Minister has been seized preaching to a numerous Congregation; and then with respect to the disappointment Lieu^{t} Marks Weeks and his party met with in seizing Alexander Garioch of Mergie, a person excepted in the late Act of Indemnity, by the said Garioch's having timely intelligence from Stonehive, looks ill; the rather that after you had received the orders from the Earl of Kintore you made no step to apprehend him, tho' I am pretty well informed that it consisted with your knowledge that he was living in or about his house of Mergie. I have mentioned

these things to you in the light they appear to me, that you may see the necessity of doing something to purpose to put the directions you have received from the Sheriff principal, The Earl of Kintore, in execution not only as a service due to your King and Country, but like ways out of regard to your own character as the only means to wipe off the reflections that have been made upon your past conduct, which prosecutions without proper Evidence first obtained will not do, and therefore in all prosecutions it will be necessary that you transmit the precognitions to the King's Lawiers in order to have their opinion, and upon such doubts or difficultys as may arise to yourself in carrying on these prosecutions.

I herewith transmit to you a copy of Lord Advocates opinion upon a case similar to Mr Greig's, an attempt to evade the late Act of parliament by preaching in a Closet to a Congregation in other rooms of the same house.

I conclude with wishing that by your future conduct you may convince all His Majesty's true friends of your zeal for His Majesty's service in the execution of your office.

I am, Sir,
Your most humble Servt
(Signed) AND. FLETCHER.

COPY OF LORD ADVOCATE'S OPINION.

19 Decemr 1747. I have considered the copy of part of a letter from Mr George Miller Sheriff Depute of Perthshire relating to the conduct of some Episcopal Clergy of that County, in which he desires to be informed touching some doubts that arises to him anent the execution of the late Act of parliament of the 19th of His present Majesty, Intituled, an Act more effectually to prohibite and prevent Pastors or Ministers from officiating in Episcopal Meeting houses in Scotland &c. In Answer to which letter I am of opinion that Mr George Semple and Mr Innes, nonjuring Episcopal Clergymen, residing in the Town of Perth, They or either of them presuming to preach in any room of a house to five persons over and besides those of the household, They are liable to the penalty of six months imprisonment for the first fault.

Nor does it seem to make any difference that the rest of their congregation over and above the number limited by Law were hearing them preach in other rooms of the same house.

(Signed) WILLIAM GRANT.

Endorsed:—In L[d] Justice Clerk's
of Jan[ry] 19, 1747/8.

XLVI.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 28 Jan. 1747/8.

My Lord Duke,

Since the Reports from Liverpool and other places, of Arms and Ammunition having been landed in the North West Highlands of Scotland, I have made all the inquiry I could (in a Country still possessed by the disaffected) to discover what truth was in these reports, and any other matter that might be of service to the Government, and I have the honour herewith to transmit to your Grace copys of the Letters I have received, all from persons well affected to his Majestys Government, by which it continues to be certainly true, That the disaffected are still buoyed up with the Expectation of Invasions, and so distracted as to be ready and prepared to join in another Rebellion, and I am afraid they may continue in that wicked disposition, the Dupes of France &c. till some proper methods are laid down and followed out with spirit, for taking possession of their Country, and effectually disarming and Civilizeing them.

I have the honour to be with the utmost respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. Feb. 3.

[1] *S. P. Scotland, Geo. II. Bundle 39. No. 9.*

(*Enclosure.*)

INTELLIGENCE.

Copy.

Barra Island, January 8th 1748.

We had here Reports of the landing of French in the Highlands, and when that was over, that of a French Ship at Lochnanuagh went about. All we see from Sky affirm it as certain and those we see from the main land deny it. If there be any truth in it they are either come with Incendiarys to prepare and spirit up people for another Rebellion, or for the Treasure they left behind the other year. There is a Priest just now among us and Popery and Jacobitism is revived among us. He tells he had Letters from Bishop Mcdonald and his brethren abroad of late, and gives the people great hopes of a second attempt and a better laid scheme; 'tis true 'tis their business to say so whatever may be the grounds of their assertion.

Copy.

Barnera, January 6th 1748.

As to the news bearing that a ship had arrived in the neighbourhood of the Isle of Sky with Arms &c. for the Pretender's use, I made it my business to cross over from this place to the Isle of Sky under pretence of buying some Goods, and after taking the narrowest and utmost information in the most secret and prudent manner, I am perswaded the Report was groundless and altogether a Farce. Be assured that when anything of this kind happens you shall have timeous Advertisement, and for that purpose I design soon to make another step into the Island of Sky.

Copy.

Airds, 13th January 1748.

In the neighbourhood of the Camerons.

The Camerons are at present greatly buoyed up with fresh expectations of an intended Invasion, and from several persons of Credit I am informed that by the spirit, stir and whisperings amongst the disaffected party something new is upon the Anvile, and that an Invasion is not only looked upon as certain but at hand. A landing in England and Scotland is talked of at the same time, and all those who do not join to

be destroyed with fire and sword. I heard several of them say that had they begun the last Rebellion in that way it had gone better with them.

There is a report of two ships being lately on the North Coast and that there was money remitted by the King of Spain, on whom they now depend as much as on the Monarch of France.

I was told a Correspondence is carried on by the rebels abroad with the disaffected in Scotland by the Conveyance of one Mr Forbes, Merchant in Rotterdam.

Copy.

Fort William, 17th January 1748.

The person I mentioned in my last is not yet returned. But I had a letter from him this day wherein he assures me of his speedy return and expects to have success, at least all that can be discovered in that disaffected country. So that by my next I hope to be in a condition to write you more fully and particularly; all that I shall now say is that it still continues to be whispered, and in my opinion not unlikely, that some warlike Stores have lately been landed in Clanronalds Country or Isles thereabouts.

Copy.

Inveraray, 21st January 1748.

As for Doctor Cameron, brother to Lochiel, all the intelligence I can get of him is that he returned to France in Harvest last and was very little in this County, only in Lochaber and Suinard.

Endorsed:—In Ld Justice Clerk's
of Jan^ry^ 28, 1747/8.

XLVII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Febr. 3^d^ 1747/8.

My Lord Duke,

I take the opportunity of a Private Express to transmitt to your Grace a copy of a Letter I this moment received from a friend in

[1] *S. P. Scotland, Geo. II. Bundle 39. No. 12.*

Lochabar. Though I have no reason to give Credit to it, as the letters from Fort William of that date mention no such thing, and as it comes to the informer by report, I take it to be the Lye of the day; however it shows the wicked disposition of these Banditti, and the necessity of some speedy and effectual remedy. How soon I receive any further accounts I shall have the honour to transmitt them to your Grace.

I have the honour to be with the utmost Respect,

My Lord Duke.

Your Grace's most obedient and most humble servant,

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 7.

(*Enclosure.*)

INTELLIGENCE.

Copy.[1]

January 26th 1748.

The person mentioned in my last two letters is this day returned. He assures me that Syphax continues in the Kingdom, and that it is likely some disturbance shall happen 'twixt him and the Dorians and Ætolians, on account of some goods entrusted to his charge upon the departure of the young Mogul. As my friend passed through the Ætolian G— his territories, he was informed that 18 ships were seen off the Venetian Country, and that one of them came to a harbour, and that instantly there was an Express sent for the Ætolian G— his Factor, who immediately upon receipt repaired in great hurry the 20th instant to said ship; he was not returned the 24th. This day I have dispatched my friend for said country, and hopes by next post to be in condition to inform you the result of the Factor's journey &c. There are great hopes and Expectations, and nothing but stealing and plundering prevailing in all quarters hereabouts.

Endorsed:—In the Lord Justice Clerk's letter of Febry. 3d 1748.

[1] *Cf.* Lang, *Companions of Pickle*, p. 139, where an extract of this letter is printed.

Key to a letter dated 26 Janʸ 1748.

Syphax	. . .	Clunie Mᶜpherson.
Dorians	. . .	Camerons.
Ætolians	. . .	Mᶜdonalds.
Mogul	. . .	The Pretender.
Atolian G	. . .	Mᶜdonalds of Glengary.
Venetians	. . .	Mᶜleods of the Isle of Sky.

Endorsed:—In Lᵈ Justice Clerk's Letter of Febry. 3ᵈ, 1748.

XLVIII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edʳ, 6 Febr. 1747/8.

My Lord Duke,

The Report of 18 ships having been seen off the Island of Skye, of which I had the honour to acquaint your Grace, has been wrote to me by another correspondent, but as it is in the same words, and with the very same circumstances, I am perswaded it proceeds from the same authority, and therefore adds nothing to the Credibility of that report, which now hourly diminishes; for if that story had been true, I should have had accounts of it from many different places and persons.

I have the honour to be with the utmost respect,

My Lord Duke,

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. 12.

[1] *S. P. Scotland, Geo. II. Bundle 39. No. 14.*

XLIX.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edinburgh, 29th Feb. 1748.

My Lord Duke,

I had the honour of your Grace's Commands of the 18th, and it gives me the greatest pleasure and satisfaction to know that my Attention [to] his Majesty's Service in prepareing the Scheme for civilizing the Highlands, which I had the honour to transmit to your Grace,[2] has met with the Kings Approbation, and that his Majesty has been pleased to order it to be considered by his Ministers.

I am very glad to know that some proposals are to be made to parliament for perfecting the great work, which has already been begun, for quieting and improving the Highlands, and I am perswaded that his Majesty's servants in Scotland will use their utmost endeavour that any provisions that shall be made by parliament for that purpose be duely and effectually executed.

It gives me particular pleasure to know that the King approves of General Bland's conduct in the important Commission he is Honoured with by his Majesty, particularly in the steps he has taken to put in execution the Laws made for the support of his Majestys Government, and reestablishing and securing the peace and tranquility of the Country. I shall do my best endeavour to obey his Majesty's commands in continuing to assist and support Mr Bland in everything that relates to the Public service, and immediately upon receiving Your Grace's Letter I communicated to Mr Bland my having received these orders. I had the honour some time ago to acquaint your Grace that orders were sent to the Sheriff of Aberdeen to prosecute some Episcopal ministers in Aberdeenshire, who though they had taken the oaths to the Government as the late Act of Parliament directs, yet they had not recorded their Letters of Orders from a Protestant Bishop, agreeable to the Act of the 10th of the Queen, or the late Act of Parliament, and yet had opened their meeting houses contrary to these Laws; And I then had

[1] *S. P. Scotland, Geo. II. Bundle* 39. *No.* 33. [2] *Supra*, p. 480.

the honour to send your Grace a Copy of Lord Advocates opinion[1] concerning such Prosecution. Upon the Sheriffs making preparation for such Prosecution, by trying to find out Evidence, These Ministers gave Obedience to the Law, so far as to desist from that time from all further public worship, and I have had sent me ane opinion that they got of Council learned in the Law, whereof I have enclosed a Copy, by which it seems they have been mislead, and thought they were not acting disagreeable to the Statute. General Bland and I have talked over this affair, and concerted that I should give your Grace this account of the steps hitherto taken, in order to receive your Grace's direction, whether the Prosecution should still proceed, or if it should be superceeded, in respect of the erroneous opinion of their Councill.

The greatest difficulty in these prosecutions against nonjuring Ministers and their hearers is to find proper Evidence. It is much doubted here if the transgressions against these Acts can be proved by Oath of Party, and if that doubt was removed by statute or other ways, and proof by partys Oath allowed, it would make the execution of the Law more easy and certain.

My answer to that part of your Grace's Letter that concerns the Deputy Sheriffs has swelled so much, that I thought it best to put it in a paper, a part herewith enclosed, and as there remains little time for any more Letters on that Subject, I have taken the liberty to say every thing that occurred to me on that subject that could contribute to his Majestys service, without confineing my self strictly to what was required of me, and I beg leave to observe that it is no easy matter to find a sufficient number of Advocates duely qualified to be Sheriff Deputes in every County of Scotland.

I have the honour to be with the utmost respect

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Duke of Newcastle.

Endorsed:—Rd. March 7. By Express.

[1] *Cf. supra*, p. 517.

(*Enclosure I.*)

MEMORIAL AND QUERIES.

By a Statute passed in the 10th year of Queen Anne, Entitled an Act to prevent the disturbing those of the Episcopal Communion in that part of Great Britain called Scotland in the Exercise of their Religious Worship &c. It is enacted "That it shall be free and "lawful in that part of Great Britain called Scotland to meet and "assemble for the Exercise of Divine Worship to be performed after "their own manner by Pastors ordained by a Protestant Bishop and "who are not Established Ministers of any Church or parish, and to "use in the Congregations the Liturgy of the Church of England if "they think fit without any Lett" &c. Provided always "that none "shall presume to Exercise the Function of a Pastor in the said Epis-"copal Meetings and Congregations except such as shall have received "Holy orders from the hands of a Protestant Bishop, and that every "person who shall be called or appointed to be a Pastor or Minister of "any Episcopal Congregation or Assembly, before he takes upon him to "officiate as Pastor of the said Congregation, be hereby obliged and "required *to present his Letters of Orders* to the Justices of peace at their "General or Quarter Sessions to be held for the Shire, Stewartry, City, "Town or other place in which the said Episcopal Congregation is or "shall be. And that the said Letters of Orders be entered on Record "by the Register or Clerk of the said Meeting of the Justices, for which "there shall be no greater fee or reward taken than the sum of One "Shillings"—And it is further enacted "That all and every person and "persons who shall hereafter be Pastor or Pastors of any Episcopal "Congregation in Scotland shall be obliged and are hereby required on "or before the 1st day of August next to come to take the oaths &c. in "such manner and under such penaltys as all officers Civil and Military "in Scotland are obliged &c." And to pray for the Queen and all the Royal Family under the penaltys therein mentioned.

By a Statute of His present Majesty proceeding upon a Recital, "That during the reign of His present Majesty and of His late "Majesty King George the 1st a great number of Meeting houses have "been set up and maintained in the City of Edinburgh and other

"parts of Scotland by persons professing to be of the Episcopal Com-
"munion whereof the Pastors or Ministers have never taken the Oaths
"to His Majesty or his Royal Father or ever did in express words
"during the exercise of Divine Worship pray for His Majesty and the
"Royal Family, By means whereof these illegal Meetings have greatly
"contributed to excite and foment a spirit of disaffection amongst
"numbers of persons in that part of the Kingdom against His Majesty's
"person and Government, which hath been one of the causes of the
"Wicked and unnatural Rebellion lately raised and carried on against
"His Majesty in favour of a Popish Pretender, &c." — Therefore, It is Enacted that all Sheriffs and Stewards in Scotland and Magistrates of Royal Burghs shall on or before the 1st day of November next 1746 Enquire into the number and situation of the Episcopal Meeting houses within their Jurisdictions and shall cause Lists to be made of the same &c. And it is further Enacted "That every person who is now "Pastor or Minister of any Episcopal Congregation in Scotland shall, "and he is hereby required on or before the 1st day of September 1746 "to produce to the Clerk of the Shire &c. where his Meeting house is "situated a Certificate from the proper Officer of his having qualified "himself by taking the Oaths to His Majesty appointed by Law, of "which Certificate the Clerk shall forthwith make an Entry in the "said book appointed for keeping a List or Register of the Meeting "houses within that Jurisdiction, &c."

By the next Clause, It is Enacted that all the Ministers shall pray for His Majesty and the Royal Family in express terms as oft as they officiate, and all Sheriffs and Magistrates are enjoined after the 1st of November to shut up all Meeting houses whereof the Pastor shall not have produced to their Clerks respectively the Certificate of his having been qualified or wherein His Majesty and the Royal Family shall not be prayed for in express words, and shall not again give access to the said house until the Proprietor or Possessor give security under the penalty of £100 that the house shall not be again so employed.

The above clauses shut up the directions made by this statute concerning Pastors who had formerly officiated in Episcopal Congregations within Scotland, and thereafter follow some further Regulations with respect to such persons as shall after the first day of September enter upon the Exercise of the said Function, which are introduced in these

words—"And be it further Enacted that if any person shall from and "after the said 1st day of September presume to enter upon or Exercise "the Function of a Pastor or Minister of any Episcopal Meeting or "Congregation in Scotland without having first caused his Letters of "Orders to be entered on record or registered or without having first "qualified himself by taking and subscribing the Oaths in such manner "as all Officers Civil and Military in Scotland are by Law obliged &c." Then follows the penalty to which the Pastor is subjected and the description of an Episcopal Meeting house and an Injunction to Sheriffs to make enquiry of offences &c.

After all which this Clause, "And be it Enacted that from and "after the said 1st day of September, No Letters of Orders of any "Pastor or Minister of any Episcopal Meeting or Congregation in Scot-"land shall be deemed sufficient or be admitted to be registered but such "as have been given by some Bishop of the Church of England or of "Ireland, and in case any Letters of orders other than such as are "before described shall be registered, such registration shall be deemed "Null and Void to all intents and purposes."

By this Clause an alteration is made of the Qualifications required by the Act of Toleration with respect to the Orders, for that Act required only Orders from the hands of a Protestant Bishop, which certainly comprehended the Bishops of Scotland, tho' deprived of their Benefices by the Law past at the Revolution, and other Bishops by them ordained, And accordingly orders given by such Bishops were sustained by the House of Peers in the case of Mr Greenshiels. But by this last clause the orders are limited to those given by a Bishop of the Church of England or Ireland.

This Act received the Royal assent upon the 12th of August 1746 and how soon a Copy of it came to Scotland some of the Episcopal Clergy who were formerly in use to officiate in Meeting houses in the County of Aberdeen did qualify themselves by taking the Oaths before the 1st of September and produced certificates thereof to the Sheriff Clerk in terms of the Statute. But as no Quarter Sessions of the peace had been held betwixt the time the Act was past and the 1st of September, it was impossible for them to record their Letters of orders before that day, nor did there appear any clause in the statute enjoining it. But they did thereafter present their Letters of orders to be recorded at

the Quarter Sessions held the 3d of March 1647 at Aberdeen. But the Meeting of the Justices being thin and the case thought somewhat dubious as to the Act of Parliament, they thought proper to delay the consideration of the same till the 17th of March, to which they adjourned their Quarter Sessions.

From the above State of the Case.

Queritur 1mo. Whether are the Pastors who formerly officiated in Episcopal Meeting houses in Scotland and have duly qualified themselves on or before the 1st of September 1746 entitled to the benefit of the Act of Toleration past in the 10th of Queen Anne if they have received orders from the hands of any Protestant Bishop in terms of the said Act, Altho' their Letters of orders are not recorded before the said 1st day of September 1746?

Queritur 2do. Have the Justices of peace to whom the Letters of orders are appointed to be presented at the Quarter Sessions any power to judge of these orders or to forbid them to be recorded if they should think them insufficient, or is the Clerk of the Meeting bound by Law to enter the Letters presented on record without regard to any directions given him by the Justices on that head?

ANSWERS TO THE ABOVE QUERIES.

To the first Querie. There appears no reason to doubt that by the Act of Toleration Letters of Orders given by any of the Scots Bishops who were deprived of their Benefices at the Revolution, or other Bishops by them consecrated, were sufficient to entitle Pastors so ordained to the privileges given by that Act, And there is nothing in the late Statute to deprive them of those privileges, providing they have produced to the Clerk of the shire a Certificate of their having taken the Oaths appointed by Law on or before the 1st of September 1746. This is the only new limitation laid by the statute upon Ministers who had formerly officiated in Episcopal Congregations in Scotland, And if they have complied with it they are entitled to the benefit of the Toleration if they have received orders from any Protestant Bishop in terms of the Act 10mo Anne. For there is no Clause in the late Statute obliging such Pastors to record

their orders befor the 1st of September. And indeed it was impossible in the nature of things it could be done, as no Quarter Sessions were held in Scotland betwixt the passing of the Act and that day, And therefore such limitation to an impossible condition will never be understood to be implied when it is not expressed in the Act. In a word, The plan of the Act seems plainly to be thus—That such Pastors as had been in possession of Episcopal Meeting houses within Scotland should be obliged on or before the 1st of September 1746 to instruct their being qualified by taking the Oaths to His Majesty. In which case they are entitled to the benefit of their orders in terms of the Law then standing, vizt Act 10mo Anne. But no minister who remains unqualified after that day is allowed there after to enter upon the Exercise of his Function unless he can produce Letters of orders from some Bishop of the Church of England or Ireland. Such orders are only necessary to Pastors who may thereafter enter upon the Exercise of their Office. But there is no clause in the Statute that deprives the old Pastors of the benefit of their orders which were sufficient by the Law standing at the time if they qualify within the day therein limited.

To the 2d Querie we are of opinion that the Clerk to the Quarter Sessions of the peace is by Law bound to enter upon record such Letters of orders as are presented to the Justices of peace at their Meeting. The office of recording is purely Ministerial and is enjoined by the Law without any previous judgment, and consequently the Justices have no power to discharge or forbid it. But after the Registration the sufficiency of the orders may be liable to be judged of according to the meaning of the Statutes made in that behalf.

This is the opinion of

(So Signed) AND. McDOWAL.
JAMES FERGUSON.
HENRY HOME.
ALEXR LOCKHART.
THOS. HAY.

Edinburgh, 11th March 1747.

Endorsed:—In Ld Justice Clerk's Letter
of Febry 29th, 1747/8.

(*Enclosure III.*)

LIST OF DEPUTY-SHERIFFS OF SCOTLAND, WITH THEIR SALARIES.

	£	
Air	200	William Duff.
Aberdeen	200	David Dalrymple.
Argyll and Bute	250	Archibald Campbel.
Berwick	150	Geo. Carre.
Bamf	150	Robt Pringle.
Caithness and Sutherland	200	James Brodie 2.
Cromertie and Ross	250	Hugh Rose.
Dumfries	200	Wm Kirkpatrick.
Dumbarton	150	John Campbel of Succoth.
Edinburgh	200	Charles Maitland.
Fife and Kinross	200	James Leslie.
Forfar	150	George Brown.
Haddington	150	James Hamilton.
Inverness	250	Thomas Miller.
Kincardine	150	Francis Garden.
Kircudbright	150	David Scrymzour.
Lanerk	200	William Cross.
Linlithgow	150	John Gillon.
Nairn and Murray	150	John Grant.
Orkney	200	Sr Andw Mitchell.
Peebles	150	James Veitch or James Montgomery.
Perth	250	Charles Campbell.
Renfrew	150	Chas McDonald.
Ross and Cromertie	250	Hugh Rose.
Roxburgh	150	Gilbert Elliot.
Selkirk	150	James Erskine 3ius.
Stirling and Clackmannan	150	
Wigton or Galloway	150	Alexr Boswell.[1]

[1] There are some pencil marks against the above names, which are partly rubbed out and quite unreadable.

(*Enclosure III.*)

LIST OF THOSE RECOMMENDED TO BE DEPUTY-SHERIFFS AND MEMORANDA RELATIVE THERETO.

For the Countys of

Aberdeen. Sir Archibald Grant of Monimusk, Barronet, Brother to the Lord Advocate; Recommended as a known and zealous Whig by the Gentlemen of that County who distinguished themselves most for His Majesty's Service during the late Rebellion, Such as Mr George Midleton of Seton, Mr Duff of Premnay and others; and Sir Archibald has sufficient knowledge in the Law for discharging the Office of Sheriff Depute.

Mr Urquhart of Meldrum is also Recommended by some Gentlemen of that County to be Deputy Sheriff. I know no other objection against him but that he always attended the Nonjurant Episcopal Meeting houses, and therefore was not reputed a Whig.

Air. Mr William Duff, Recommended by The Earl of Loudon, Principal Sheriff. Mr Duff is a Whig, and has sufficient knowledge in the Law for being Deputy Sheriff, and as I understand will be agreeable to the Gentlemen of that County.

Bamff. Mr Francis Gairden, a zealous Whig, and other ways well qualified for the Office; Recommended by Lord Advocate, who tells me that he is agreeable to The Earl of Findlater, and is to be Recommended by His Lordship, who has a very great Estate in that County, and is Sheriff Principal for Life; and I believe Mr Gairden will be agreeable to the Whig interest in that County.

Berwick. Mr Henry Home, Recommended by the Earl of Home the principal Sheriff; Mr Home is a Whig, and a Lawier of great knowledge and experience in the Law.

Caithness. I am well informed that Mr Hercules Lindsay is Recommended by Mr Sinclair of Ulbster the Heritable Sheriff and the other friends of the Government there; As he has been a Private Teacher of the Law for sometime at Glasgow, he is certainly very capable for that office. His Character otherways is to me unknown.

Clackmannan. Mr David Dalrymple, son to Lord Drummore, one of the Lords of Session and Justiceary. Mr Dalrymple is Recommended

by Lord Cathcart and Sir John Shaw, who have a considerable Estate in that County, and by the Earl of Glencairn and Lord Belhaven, to be employed as a Sheriff Depute in that or some other County. Mr Dalrymple is of a Whig Family, and has sufficient knowledge of the Law for the Office of a Deputy Sheriff.

Mr Robert Bruce of Kennet, Recommended to be Deputy Sheriff of Clackmannan by Lord Erskine, member of Parliament for that County, and by Mr Abercromby of Tullibody, who has a considerable Estate in that County; and I am also informed that he has been recommended by the Earl of Dumfries the present Heretable Sheriff. Mr Bruce is a Whig, and other ways qualifyed for this office.

Dumbarton. Mr John Campbell of Succoth, Recommended by the members of Parliament both for the County and Burrows, and by the Generality of the Free holders in the Interest of the Government. He is a zealous Whig, and other ways well qualifyed for the office of Sheriff Depute.

Dumfries. Mr James Ferguson of Craigdarroch, a Whig, and other ways well qualifyed for the Office, and Recommended by the Duke of Queensberry the now Heretable Sheriff.

Edinburgh. Mr James Areskine, son to Lord Tinwald, one of the Lords of Session and Justiciary. Mr Areskine is a very zealous Whig, and other ways perfectly well qualifyed for that office.

Elgin or Murray. Mr John Grant, son to Lord Elchies, one of the Lords of Session and Justiciary. Mr Grant is a very zealous Whig, and other ways perfectly well qualifyed for that Office, and is Recommended by the Member of Parliament for that County, and will be acceptable to the Gentlemen in the Whig Interest there.

Galloway or Wigton. Mr Peter Mcdowall, Recommended by Lord Stair and a good many Gentlemen of that County. He is a very young man, and I know very little about him.

Mr Thomas Miller, Recommended by The Earl of Galloway and the Members of Parliament for the County and the Burrows. Mr Miller is a zealous Whig, a young Man of great practice at the Bar, and of great Expectation, and on that account has Recommendations for being Sheriff Depute also in other Countys.

Kirkcudbright. Mr Thomas Miller, Recommended by the Duke of Queensberry and the Earl of Selkirk. The same person who is Recom-

mended by the Earl of Galloway and others for the County of Galloway, and who, as already observed, is in every respect well qualifyed for the Office of Deputy Sheriff any where.

Mr William Kirkpatrick, a zealous Whig, and other ways well qualifyed for the Office, Recommended by the Gentlemen in that County, who have at all times joined in promoting the Kings Measures.

Peebles. Mr James Veitch, Recommended by the Earl of March. He is very capable for the Office.

Perth. Mr Charles Campbell, son to Lord Monzie, one of the Lords of Session. He is Recommended by Lord Glenorchy and other Gentlemen well affected in that County, and is himself a zealous Whig.

Renfrew. Mr William Cross, a zealous Whig, and other ways well qualifyed. He is recommended by the Town of Glasgow to be employed as a Sheriff Depute, and this County lies in the Neighbourhood of Glasgow.

Mr William Wallace, a Whig, and other ways qualifyed for the Office of a Deputy Sheriff. The Earl of Eglinton I understand is to recommend him or

Mr Charles Mcdowall, with whose character and qualifications I am not so well acquainted.

Roxburgh or *Tiviotdale.* Mr Gilbert Elliot, son to Lord Minto, one of the Lords of Session and Justiciary. Mr Elliot is a very zealous Whig, and in all other respects perfectly well qualifyed for that office. He has a great Estate, and will be acceptable to the Gentlemen in that County.

Selkirk. Mr Andrew Pringle, son to Lord Haining, one of the Lords of Session. He has sufficient knowledge and practice in the Law to qualify him for that Office.

Stirling. Mr James Callender of Craigforth, recommended by Sir James Campbell of Ardkinglass, the old Whig Member of Parliament. Mr Callender is a zealous Whig, and was a Captain of the Volunteers who were assisting to General Blackney at Stirling.

Sutherland. Mr John Polson, recommended by the Earl of Sutherland, the present Heretable Sheriff. Mr Polson is reputed to be a Whig.

As to the Countys of Fife, whereof Mr James Leslie is now Deputy Sheriff; Haddington, whereof Mr James Hamilton is Deputy Sheriff; Lanerk, whereof Mr George Sinclair is Deputy Sheriff; Argyllshire,

whereof Mr Archibald Campbell is Deputy Sheriff; and Linlithgow, whereof Mr John Gillon is Deputy Sheriff; Your Grace by your Letter of the 30th October last was pleased to signify to me His Majesty's intentions, that where the Deputy Sheriffs now in office have exerted themselves in His Majesty's service and in suppressing Jacobitism, they shall be continued and encouraged; and as I have in obedience to your Grace's Commands already given an account of the Gentlemen's Characters, qualifications and Services during the late Rebellion, whereof a copy is hereto annexed, I imagine they are comprehended in His Majesty's Gracious Intentions, And therefore it seems unnecessary to swell this paper with saying any more of them.

Your Grace has no doubt observed by my Letter of the 10th of December, whereof a Copy is annexed, how much it is my humble opinion that it is of importance to the Government that a right man be found for the Office of Sheriff Depute of Inverness, and at the same time it cannot be expected that such a man will accept of it without liberal appointments much higher than will be necessary for any other County. A young man of Spirit and who has tolerable practice at the Bar (and none other can be fit for that office) will not for any Salary that he can expect give up his practice in the supreme Courts, besides that his continuing his practice at the Bar will more and more qualify him for that Office, and therefore must of necessity return to Edinburgh every Summer and Winter Session, and in his absence must employ Substitutes one or more whom he must fee, because the former perquisites of the Office by Fines and Sentence Money are taken from them. The Sheriff Depute must reside in the County Four Months every year, and in the County of Inverness he will probably find it necessary at proper times to make Circuits to Fort Augustus, The Isle of Sky and other places where there can be accommodation for a Court, tho' even that cannot be done till some provision be made for defraying the Expence of Clerks, Procurators fiscal and other Members of Court, besides the Sheriff. Now it cannot be expected that a young man of Spirit will undertake so much drudgery without appointments somewhat larger than will defray his Expence.

General Bland and I have been considering who will be a proper person for this Office, and we have agreed in opinion that the most proper person that occurs to us is Mr John Grant, recommended as

above to be Sheriff Depute for the County of Elgin, and who is known to Mr Bland, and our reasons are not only founded upon his own qualifications for discharging such an important trust, but also because in laying down the way and method of his proceeding as well as upon every occurrence and emergencie in extending the Authority of the Law over so great a part of the Wild Highlands as is comprehended in that County, he would have the directions, advice and support of his father Lord Elchies, one of the Lords of Session and Justiciary, whose zeal for His Majesty's Service and great Abilitys in the Law are well known and acknowledged by every body.

It is true, I have reason to think that his friends would rather wish that he were Sheriff Depute of the Shire of Elgin, because he could then reside at his father's house, which is within the County and within a few miles of the County Town. However I doubt not that if proper encouragement shall be given that he may be prevailed with to accept of Inverness.

Mr Hugh Rose of Geddes has, as I'm told, been lately appointed Sheriff Depute by The Earl of Moray. Mr Rose's father is a Zealous Whig, and I suppose the son is a Whig also. As to his other qualifications I am much a Stranger; for after he was admitted Advocate, he soon retired to the Country now near Twenty years ago, so cannot have much knowledge as he has had no experience in the Law.

As there are several Countys where none has been recommended to be Deputy Sheriffs so far as I know, I have taken the liberty to subjoin a List of some Young Lawiers in my humble opinion every way fit to be employed in any of these Countys if they would accept of the office, which I am perswaded most of them would upon proper encouragement, Vizt

Mr Alexander Boswell.
Mr George Brown.
Mr David Scrymgeor.
Mr Robert Pringle.
Mr John Swinton.
Mr Livingstone.
Mr James Balfour.

I have not mentioned any of the first rate Lawiers, because I am perswaded they would not submit to the trouble that must attend the

office of Sheriff Depute, except Mr Henry Home, who I have reason to believe would accept of being Sheriff Depute of the County of Berwick where he resides, and to which he is recommended as above by The Earl of Home.

(*Enclosure IV.*)

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.

Copy.

10th Decr 1747.

The Scheme for Civilizing the Highlands I had the honour to send your Grace the 4th instant, will I hope serve for an apology for not sooner obeying His Majesty's Commands transmitted to me by your Grace, That I should send your Grace a List of such Advocates as are now employed as Deputy Sheriffs, with a particular account of their respective Characters, qualifications and services. The framing of that scheme ingrossed my thoughts so much, that till that was accomplished, I could not give the necessary attention to the other. And now I have the honour to send the List inclosed to your Grace.

Your Grace's orders do not Authorize my suggesting any other Deputy Sheriffs than those now in office, And therefore I mention none other in the enclosed List. However I hope your Grace will pardon my taking this opportunity of performing my promise to Sir Everard Fawkener by recommending Mr Walter Pringle, brother to Sir Robert Pringle of Stitchel, to be Deputy Sheriff of the County of Roxburgh commonly called Tiviotdale, or for the County of Berwickshire commonly called the Merse. I believe either of them would be acceptable, because his brother has an Estate in both Countys, and I can with truth vouch for the whole family that they are well affected to His Majesty's Person and Government.

I'm afraid I should have been tempted to exceed my orders yet further by suggesting a proper person to be Sheriff Depute of the County of Inverness, had I known one in all that County fit for that office. That County requires the most particular attention, because of all the Countys in Scotland it is of the most importance to His Majesty to find a person sufficiently qualifyed, both for his personal abilities and his firm attachment to the present happy Establishment, to supply that

office in that County. Your Grace very well knows that it is of a great extent both on the Main land and the Isles, that it was the mother of the last Rebellion, and has been the Nursery of all the Rebellions that have been since the Revolution, and the County to which the Law has hitherto got the least access, and therefore how soon that wild part of the Country can be made accessible, and stations with accommodation for holding Courts settled, it will be necessary for the Sheriffs to make Circuits, as His Majesty pursuant to the late Act of Parliament shall be pleased to direct. That will require a person of Integrity and dilligence, as well as zeal for His Majesty's person and Government, and as there is none qualifyed within the County, one can hardly be expected from another Country to accept of it without a large allowance, which will be very well bestowed if he do his duty.

I have also in obedience to His Majesty's Commands begun to make my observations upon the persons now in the several commissions of peace, But as that is a work of so great an extent, I cannot hope to be able to finish it in such manner as I can lay it before your Grace for some weeks.

L.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Edenburgh, 17th March $174\frac{7}{8}$.

My Lord Duke,

As your Grace has been pleased to desire me to Suggest from time to time what might occur to me for his Majestys Service, I beg leave to observe, now that the Deputy Sheriffs must be bred to the Law, it seems reasonable that they have Power to try all Sorts of Crimes except High Treason. The reason I mention this is, that though by the Law of Scotland those who were possessed of the High Jurisdictions of Justiciary or Regality, now abolished, could try all Crimes except Treason, yet the sheriffs could not try the four pleas that are called the Pleas of the Crown, viz. Murder, Robbery, Fire raiseing, and Ravishing of Women; and tho' by several Statutes they might try Murder, and

[1] *S. P. Scotland, Geo. II. Bundle 39. No. 46.*

sometimes have done it, yet they never tryed the other three Crimes; and the advantages proposed by giveing them this Power is, that Tryalls can be carried on in the Sherriffs court at a much Smaller expence than before the Court of Justiciary. 2dly Without such Power, as such Felons can be tryed only in the High Court of Justiciary, or circuit Courts, the consequence is that Felons in remote Countys must either be brought to Edenburgh and tryed there, or must remain in Goal till the nixt Circuite; which may be at the distance of Six Months, or even more, if the Crime happens so near the nixt Circuite that there is not sufficient time for a Presentment; and if the Felon claim the Benefite of the Scots Habeas corpus Act, he may force his Liberation or his Majestys Advocate to cary him to Edenburgh. 3tio This observation has still a greater Force in the Islands, particularly of Orkney and Zetland, because of the difficult access to these Islands, except in the Summer time; And the danger of giveing these Deputy Sheriffs that power cannot be great. Their Judgements are subject to the Review of the Justiciary Court, and cannot be carried in to Execution by North Forth till after fourty days, which is thought sufficient time for complaining to the Court of Justiciary, if any wrong is done; or 20 days more might be given as to Judgements in these remote Islands inferring Death or Demembration.

There is also another thing wanted to render the Scheme usefull; there is an officer in the Sheriffs Court called Procurator Fiscal, whose office is of the Same nature in that Court as that of his Majestys Advocate in the Court of Justiciary, and all Criminal Tryalls, whither by Jury or by Summary Complaint, must be either at his instance or suite, or with his Concourse, where there is a private party who prosecuted. This officer is named by the sheriff, and has no Sallary, only Private parties pay him a trifleing fee for his concourse, and the sheriffs commonly give him, as well as the Sheriff Clerk, some part of the Fines (which by the Forms of these Courts are all made payable to him). Now these Fines are taken from them, and to be counted for in Exchequer; and yet in those crimes where there is no private prosecutor, which is often the Case, where the most atrocious fellonies are committed, This officer is the person who must manage the whole Tryall, in the same way as his Majestys advocate does tryalls at the suite of the Crown in the Court of Justiciary; And it cannot be expected that any Man will undertake an office attended with so much trouble when

he is to have no Reward. It deserves also to be considered, that the Sheriff Clerks have no Sallarys, but only Fees from the Suitors, which is now regulated so as the Subjects can have no cause for complaining that they are exorbitant, and now there is no fund for paying them any fees for Tryalls at the suite of the procurator Fiscal. The Remedy that seems least burthensome to the Crown, and most suited to the nature of the Service, is that these procurators Fiscals and Clerks should each of them be allowed small Sallarys in place of all Fees for such Tryalls, and to be paid them out of the Fines of Court and Equies, Suppose ten pounds were allowed to each of them, but to be paid only out of these Funds. And as there are other charges that must alwayes attend such Tryalls, as the Expenses of Summoning Witnesses and Juries or others of that kind, which it cannot be expected that the Procurators-Fiscal will advance out of their own Pockets without hopes of being repaid, perhaps it woud be reasonable to allow both the Sallarys and these Charges to be stated in an account, and to be allowed by the Barons of Exchequer out of the Fines and Equies, when they are compted for by the Deputy Sherriffs.

There is one thing that requires to be remedyed; many Deputy Sheriff have during and since the Rebellion been at considerable charges in the Governments Service, partly by orders from H.R.H. the Duke, and partly by orders transmitted to me by your Grace, particularly in shutting up all the Nonjuring Meeting Houses, and prosecuteing the Ministers as the severall Statutes direct. The Deputy Sheriffs have often applyed to me to be repaid those Charges, and as I knew the Court of Exchequer are allways in use at fitting the Sheriffs annual accounts of their Equies to give them allowance of such charges as the Sheriffs expend in Executeing any of the orders of that Court, and to me it apeared equally reasonable that they should also allow such Charges as by proper authority had been expended by the Sheriffs in other Matters for the Service of the Government, therefore I took the Liberty to advise the Deputy Sheriffs to apply to the Court of Exchequer to have these accounts examined and allowed by the Barons at fitting their Equies, but the Barons of Exchequer did not think themselves impowered to take any notice of these accounts unless they had orders for that effect from the Lords of the Treasury. I have very good reason to believe that that very consideration, the delay and uncertainty how or when

these Sheriffs could recover their Charges, has been in a great measure the Cause of the inactivity of many of them in the Governments Service, which I was so sensible of, that in Sundry Cases, to prevent the bad consequences that might arise, I thought it my Duty to engage my own Credite and to undertake to see their accounts paid, particularly in Execution of the late Act for discovering and prosecuteing the nonjuring Episcopal Ministers; one instance of this occurs now in the Shire of Kincairden, in the proceedings that have by orders of the Earl of Kintore, the High Sheriff, been carried on before his Deputy for suppressing Nonjuring meeting Houses and convicting the pastors, the result of which has been that three of these ministers have been convicted and comitted to prison for six months as the Law directs, as appears by a certificate by Mr Younge the Deputy Sheriff, of wch I have enclosed a Copy; a bill of Suspension was on the 16th presented to the Court of Justiciary, complaining against that Judgement both on account of the Matter, and on account of Some of the Deputy sheriffs proceedings in the Course of the Tryall. The Court could give no opinion touching the matters complained of till the case is fully laid before them, and therefore ordered his Majestys Sollicitors to inform themselves and to put in Answers. But there was at the same time a petition presented in name of the three Prisoners, complaining of the Goal in which they are comitted, that it is in many respects (needless to be here mentioned) unfit for the confinement of prisoners, and that as one of the Prisoners is 70 years of Age, a few days confinement in it at this season might kill him, as it would also endanger the health of the other two; and yet that is the County Prison. There was such probable Evidence of this given to the Court, that they thought there might be some danger in delaying till the state of that Goal could be properly certifyed to them, and as it seemed quite immaterial to the Government in what prison they are confined, therfore the Court ordered them to be transported to Aberdeen and confined to the Goal of that Town.

I have the Honour to be with the Utmost Respect,

My Lord Duke

Your Grace's most obedient and most humble Servant

AND. FLETCHER.

Endorsed:—Rd. 22^d^ by express.

(*Enclosure.*)

DECLARATION OF THE DEPUTY-SHERIFF OF KINCARDINESHIRE.

I John Young of Stank Esq[r], Shirriff depute of the County of Kincardine, Do hereby Certify and Declare That In obedience to the Act of the nineteenth year of His present Majesty For more effectually prohibiting and preventing Pastors or Ministers from officiating in Episcopal Meeting houses in Scotland without duly qualifying themselves according to Law, and for punishing persons for resorting to any Meeting-houses where such unqualifyed Pastors or Ministers shall officiat, I did in the Month of October One thousand Seven hundred and fourty six years make enquiry as to the number and situation of the Episcopal Meeting houses within the said County, and caused Summond before me four persons for every Episcopal Meetinghouse that I understood was in the County in the time of the late Rebellion, which persons as I was informed were of the ordinary Hearers who frequented said meeting houses, And they having appeared before me upon the Thirty first day of the said month of October 1746 I interrogate them and each of them seperatly upon oath Whether or not they knew if there was any Episcopal Meeting-house or Meeting, Assembly or Congregation within the said County where five or more persons did Assemble or meet together to hear Divine Service over and besides those of the Household in any house where a Family was Inhabiting, or if there was any house or place within the said County not Inhabited by a Family where any such five or more persons did Assemble and meet together to hear Divine Service, and where Divine Service was performed by a Pastor or Minister being of or professing to be of the Episcopal Communion since the first day of September 1746, To which they all Deposed in the Negative, And in obedience to the above recited Act and His Majesty's Commands contained in a Letter from one of His Majestys Principall Secretarys of State directed to the Right Hon[ble] The Earl of Kintore High Shirriff of this County and His Lordships orders thereanent to me his Deputy, I did again make enquiry as to the number and situation of the Episcopal Meeting houses within the said County, and caused Summond four persons for every Episcopal Meetinghouse that I was informed were in the County, they being suspected to be ordinary

Hearers in and frequented the said Meeting houses, And they having appeared before me upon the Tenth day of December last And they and each of them having been seperatly Interrogate upon Oath upon the points above mentioned and in terms of the foresaid Act, They and each of them also Deposed in the Negative. And I likeways made Enquiry and caused search to be made at different times for persons attainted of High Treason that might have returned to this County and for other Notorious Rebels that were concerned in the late Rebellion and are either Excepted by name or under some general description in the late Act of Indemnity, and that might happen to be lurking within the bounds of this County, But could apprehend none, neither could I find there were any Indications of a Design to give any disturbance to the Government. Thereafter having got Information that Mr Alexander Greig, Episcopal Preacher at Stonhaven, Mr John Petrie Episcopal Preacher at Drumleithie, and Mr John Troup, Episcopal Preacher at Muchals, had Contraveened the Act of Parliament above mentioned, I therefore caused Criminal processes to be raised at the instance of the Procurator fiscal of this County against them, In which processes I found it proven that the said Mr Alexander Greig, Mr John Petrie and Mr John Troup were Ministers of or professing to be of the Episcopal Communion, And that they and each of them did in the Months of December 1747 and January 1747/8 years Presume to Exerce the Function of Ministers of that Communion by performing Divine Service to Meetings, Assemblys or Congregations in Stonehaven, Drumleithie and Muchales where there were five or more persons assembled or met together to hear Divine Service over and above those of the Household, And that they nor neither of them did not pray for the Kings most Excellent Majesty his heirs or Successors in terms of the said late Act of parliament of the nineteenth year of His present Majesty, and that they and each of them had otherways contraveened the said Act, Therefore I ordained the Mairs and officers of the said County to apprehend and deliver the persons of the said Mr Alexander Greig, Mr John Petrie and Mr John Troup to the Goaler of the Tolbooth of Stonehaven, and required and ordained the said Goaler to Imprison and detain the persons of the said Mr Alexander Greig, Mr John Petrie and Mr John Troup within the said Tolbooth for the space of six months after this date and no longer, And I repelled the bail Defences pled for

the Defenders and Objections made by them against the witnesses, which Sentence was furthwith Execute by Incarcerating the said Mr Alexr Greig, Mr John Petrie and Mr John Troup within the said Tolbooth or County Goal. Given under my hand, At Stonehaven the 5th day of March 1747/8 years.

(Sign'd) JO. YOUNG.

Endorsed:—In Lord Justice Clerk's of March 17, 1747/8.

LI.

THE DUKE OF NEWCASTLE TO THE LORD JUSTICE-CLERK.[1]

May 12, 1748.

Justice Clerk,

My Lord,

His Majesty having been informed that your Lp from your zeal for the King's service, and from your desire to do every thing that might accomodate His Majesty's Affairs, was willing to resign your office of Lord Justice Clerk on conditions of His Majesty granting you the Office of Keeper of the Signet of Scotland for Life, and the Reversion of Auditor of the Exchequer of Scotland to your eldest son, Mr Fletcher; His Majesty has been pleased to approve of your Resignation upon these Conditions, and as soon as your Lop shall have made it in Form, The King has declared his intention to appoint Mr Dundas of Arniston to be Ld President of the Sessions, Mr Areskine of Tinwald to succeed your Lop as Lord Justice Clerk, and to give your Lop the Office of Keeper of the Signet during Life with the Reversion of the Auditor of the Exchequer to your son.

I beg leave to congratulate your Lop upon this mark of His Majesty's Approbation of your conduct and service, to desire the continuance of your correspondence, and to assure you of the truth and esteem with which I am

&c.[2]

[1] *S. P. Scotland, Geo. II. Bundle* 40. *No.* 23. [2] This letter is a draft only.

LII.

THE LORD JUSTICE-CLERK TO THE DUKE OF NEWCASTLE.[1]

Jedburgh, 17th May 1748.

My Lord Duke,

I have the honour of your Grace's letter of the 12th current (which I received on my Circuit at this place, by way of Edinburgh) acquainting me, that as I was willing in order to accommodate his Majestys affairs to resign my office of Justice Clerk on condition of his Majestys granting to me the office of Keeper of the Signet for Life, and to my eldest son the Reversion of the Auditor of Exchequer of Scotland, His Majesty has been gratiously pleased to approve of my Resignation upon these conditions, and that as soon as I shall have made it in Form that the King has declared his Intention to appoint Mr Dundas of Arniston to be President of the Session, and Mr Areskine of Tinwald to succeed me as his Majesty's Justice Clerk for Scotland, and to give me the office of Keeper of the Signet during Life, with the Reversion of Auditor of the Exchequer of Scotland to my son.

I have accordingly the honour to transmit enclosed to your Grace my Dismission and Resignation in Form of the office of his Majesty's Clerk for Scotland.

I am highly sensible of this repeated Instance of his Majesty's approbation of my Conduct and Services, and how much I am indebted to your Grace on this occasion, and shall in obedience to your Grace's desire continue to receive and obey your Grace's commands and suggest whatever occurs to me for his Majesty's Service as formerly.

I have the honour to be with the utmost respect

My Lord Duke,

Your Grace's most obedient and most humble Servant,

AND. FLETCHER.

Duke of Newcastle.

[1] *S. P. Scotland, Geo. II. Bundle* 40. *No.* 30.

INDEX.

Names of places not identified are indicated by [?].

Abbotshaugh, letter from, 451.
Abercromby of Tullibody, 538.
Aberdeen, 21, 35, 36, 68, 79, 97, 104, 109, 122, 145, 146, 147, 148, 149, 150, 181, 202, 218, 267, 270, 325, 329, 398, 400, 402, 414, 448, 546; letters from, 2, 27, 30, 31, 41, 56, 59, 60, 61, 78, 105, 116, 122, 123, 133, 185, 193, 197; riot at, 28, 30, 31, 41, 42, 56, 89, 105, 108, 116, 123, 133, 185, 193, 197, 210, 401, 407; imprisonment of merchants of, 76-78, 89, 109, 121, 195.
Aberdeenshire, 493, 519, 529.
Aberdon, James, 165.
Aberfeldy, 167.
Abertarff, 406.
Achadrom [?], 406.
Achatrichatan, 225, 327.
Achilty, 51.
Achinaer [?], 178.
Achindarach, 333.
Achnacarie, 228, 229, 266, 327.
Ackland, Lieutenant, 29, 275.
Adair, Captain, 168, 226.
— Mr., 187.
Adams, Lieutenant, 275.
Addison, Rev. —, 429.
Agnew, Sir Andrew, 11, 199, 258.
— Lieutenant, 168.
Ahunner [?], 185.
Aikenhead, John, 318.
Aikersideallach, 75.
Airds, letters from, 469, 525.
Albemarle, William Anne, Earl of, 412, 417, 424, 430, 432, 433, 436, 494, 501, 504; congratulates the Duke of Newcastle, 1; is confident of victory before Culloden, 2; describes Cumberland's movements, 3; ordered to attend the Hessian troops, 4; reluctant to accept the command in Scotland, 5, 6, 7, 9; desires a comprehensive commission and is resolved to capture Prince Charles, 10, 12; desires to go into winter quarters, 15; is going into winter quarters, 69, 97; Master of Lovat anxious to surrender to, 90; house at Edinburgh prepared for, 95; believes that Prince Charles has left Scotland, 97; instructions to, on being appointed Commander-in-Chief in Scotland, 137; leaves Fort Augustus, 154; receives his commission, 208; is resolved to capture Prince Charles, 209; and to conciliate the civil authorities, 210; desires tents, etc., to be sent, 211; requests instructions regarding Glengarry, 212; orders the reduction of the Highland Companies, 213; is opposed to continuing the Argyllshire militia, 215; reports Prince Charles's rumoured escape, 220, 227; fears the Rebellion is not yet at an end, 235; announces Prince Charles's escape, 242, 262-63, 267, 269, 278, 294; is thankful for a supply of cash, 284; is anxious to leave Scotland, 285; will endeavour to reconcile the civil and military authorities, 286; urges scheme for pacification of the Highlands, 289; recommends Flora Macdonald for lenient treatment, 297; reports the number of prisoners in Scotland, 301; advocates the employment of spies, 302; regarding Jacobite prisoners, 315; and recruiting for the Scots Brigade in Holland, 317, 321, 325; hopes to catch Cluny Macpherson, 326; appointed to serve under Cumberland in Flanders, 328; desires his successor in Scotland to be appointed, 330; again begs to be relieved, 348;

reports an attempt to celebrate Prince Charles's birthday at Edinburgh, *ib.*; again desires to be relieved, 354; appointed to serve with Cumberland in Flanders, *ib.*; expresses his satisfaction thereon, 357; and his views upon the condition of Scotland, *ib.*; departure of, 377, 381, 384, 437, 438; letters, of, 1, 2, 3, 4, 6, 8, 10, 11, 14, 68, 97, 154, 208, 213, 214, 220, 222, 227, 234, 235, 242, 262, 267, 269, 278, 284, 286, 294, 298, 299, 301, 315, 321, 325, 326, 328, 329, 341, 343, 344, 347, 348, 352, 353, 354, 356, 363, 366, 368, 374, 377, 381, 382, 385, 407; letters to, 12, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 37, 39, 40, 43, 44, 45, 47, 48, 50, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 79, 81, 84, 85, 86, 90, 92, 93, 94, 95, 99, 100, 101, 102, 103, 104, 105, 106, 108, 110, 111, 112, 113, 116, 118, 119, 120, 122, 125, 126, 128, 130, 131, 133, 135, 136, 139, 141, 144, 149, 154, 155, 156, 158, 159, 162, 163, 165, 166, 167, 168, 169, 173, 174, 175, 176, 177, 178, 179, 180, 181, 185, 188, 189, 190, 193, 195, 197, 198, 199, 200, 219, 221, 231, 240, 243, 265, 267, 268, 312, 318, 345, 350, 355, 359, 360, 364, 365, 375.

Allcock, Lieutenant, 226.

Alloa, 119, 181.

Alness, 50.

Alston, Mr., 459.

Ancram, William Henry, Earl of, 11, 21, 28, 77, 78, 79, 89, 99, 121, 124, 142, 149, 194, 414; letters of, 30, 60, 61, 103, 108; letter to, 78.

Anderson, John, 379.

— Captain, 205, 276, 405, 407.

Annan, 413.

Appin, 16, 26, 58, 291, 300, 332, 368, 372, 373, 375, 384, 440, 444.

Applecross, 51, 408, 409.

Arabine, Lieut.-Colonel, 168, 174, 183.

Arbroath, 202, 316, 320, 397, 400, 413; letter from, 108.

Arbuthnott, John, Viscount, letter of, 79.

— Sir John, 318.

Ardtornish, 332.

Argyll, Archibald, Duke of, 383, 460, 469.

Argyllshire, 215, 221, 222, 288, 315, 328.

Ardgour, 291, 292.

Ardthiel, 58, 333; letter from, 25.

Arisaig, 51, 58, 239, 243, 264, 268, 293, 299, 334, 371, 372, 446.

Armand, Rev. —, 206.

Arminger, Captain, 4.

Armstrong, Captain George, 173; letter of, 187.

— Lieutenant William, 205, 275; letter of, 143.

Army:—

ammunition, 94, 196, 212, 296.

barracks, 22, 44, 54, 62, 93, 96, 180, 220.

beds and bedding, 220, 234, 262, 289, 297.

camp necessaries, 297.

clothing of, 15, 120, 139, 211.

commissariat, 44, 47, 67, 102, 103, 115, 124, 135, 233.

complaints regarding the conduct of, 12, 13, 31, 41, 42, 48, 56, 76-78, 79, 82, 88, 101, 103, 108, 116, 121, 133, 138, 193, 197, 210, 285, 402, 403, 407, 412.

courts martial, 106, 112, 115, 166, 168, 173, 174, 176, 183, 189, 192, 199, 211, 227, 287, 321, 330.

deserters, 43, 91, 115, 150, 177, 183, 192, 381, 501.

disposition of, 201, 448.

drafts for Flanders, 13, 33, 48, 377, 390.

firing, 111, 135, 152, 153, 155.

forage, 59, 61, 62, 67, 84, 151, 159, 177, 179, 186, 189.

garrisons, 18, 19, 21, 35, 162.

gratuity to, 35.

horses, 104.

medical attendance, 128, 297.

officers absent, 205, 206, 207, 275-77.

recruiting, 22, 59, 66, 176, 186, 188, 205, 206, 207.

shoes for, 96, 107, 113, 114, 129, 132.

sick, 111, 179, 297.

strength of, 204, 226, 274.

tents, 15, 139, 211.

winter quarters, 43, 93, 122, 201.

Regiments:—

Argyllshire militia, 11, 57, 92, 137, 140, 156, 215, 221, 222, 231, 337.

Barrell's, 119, 131, 150, 182, 183, 192, 202, 204, 205, 274, 276.

Batereau's, 67, 152, 202, 204, 206, 274, 275.

Blakeney's, 67, 130, 152, 200, 202, 204, 205, 274, 275, 448, 476, 520.

Campbell's Scots Fusiliers, 150, 180, 192, 199, 202, 203, 204, 205, 227, 274, 276, 377, 381.

Cobham's dragoons, 13, 61, 79, 103, 189, 201, 226.

Cochrane's marines, 107.
Conway's, 120, 150, 196, 202, 204, 205, 274, 275, 377.
Dejean's, 122, 165, 166, 188, 202, 204, 206, 218, 274, 276, 377.
Fleming's, 20, 28, 31, 59, 68, 82, 104, 108, 117, 122, 124, 185, 202, 204, 205, 274, 275, 377.
Guise's, 16.
Hamilton's dragoons, 61, 100, 107, 118, 150, 201, 226.
Handasyde's, 23, 67, 93, 94, 202, 204, 206, 274, 275, 448.
Houghton's, 16, 23, 94, 132, 138, 202, 204, 206, 274, 276, 297, 448.
Howard's, 164, 210, 377, 403.
Ker's dragoons, 21, 61, 104, 168, 201, 226.
Kingston's horse, 55, 214.
Lee's, 107, 120, 182, 202, 204, 206, 220, 234, 274, 276, 289, 321, 350, 448.
Loudoun's, 61, 92, 124, 150, 155, 181, 184, 207, 210, 213, 232, 277, 286.
Loudoun's Highland companies, 11, 91, 137, 202, 207, 209, 210, 213, 216, 220, 231, 237, 269, 277, 278, 286, 296, 299, 314, 335, 351, 409, 448, 501.
Mordaunt's, 93, 131, 202, 204, 205, 274, 275, 448.
Lord John Murray's Highlanders, 167, 203, 286, 384, 448.
Naizon's dragoons, 107, 115, 177, 201, 226.
Oglethorpe's, 107.
Perthshire militia, 36, 137, 149, 182, 183, 191, 211.
Price's, 119, 120, 150, 181, 183, 192, 202, 204, 206, 274.
Pulteney's, 13, 33, 48, 390.
Royal Irish, 67, 119, 120.
Royal Scots, 17, 43, 141, 166, 182, 189, 202, 203, 204, 205, 274, 275.
St. George's dragoons, 61, 168, 201, 226, 448.
Sackville's (late Munro's), 17, 119, 141, 189, 202, 204, 205, 274, 276, 448.
Sempill's, 13, 33, 48, 112, 120, 150, 177, 203, 390.
Skelton's, 17, 65, 150, 189, 202, 204, 205, 274, 276, 448, 496, 501, 502, 511, 512.
Train (artillery), 196, 202, 212.
Wolfe's, 13, 33, 48, 390.
Arnish, 73.
Arnold [? Arnott], Captain, 275.
Arnott, Ensign Hugh, 277.
Arnott, Captain, 205, 275 [?].
Ash, Captain, 276.
Askew, Captain, 52.
Assynt, 51, 52, 53.
Atholl, James, Duke of, 43, 250, 251, 252, 253, 254, 255.
Atholl, 336.
Auchabeck [?], 332.
Auchalinan [?], 331.
Auchinhove, 83.
Auchnaha [?], 332.
Auchry, 218.
Aulashdale [?], 331.
Aviemore, 202, 207.
Ayr, 151, 201, 203; letters from, 115, 177.

Badenoch, 11, 97, 238, 268, 271, 291, 370, 401, 443, 470.
Bagot, Captain, 72.
Baillie, Captain, 226.
Bain, John, 373, 374, 384, 440, 441, 444, 448, 450.
— Mrs. John, 441.
Balahelish, *vide* Ballachulish.
Bale, Captain, 205, 276.
Balfour, James, 541.
— Lieutenant, 16.
Balgonie, David, Lord, 275; letters of, 23, 94.
Ballachulish, 332, 333.
Balloch, Boat of, 225.
Balmerinoch, Arthur, Lord, 101, 102, 127.
Balquhidder, 178, 225; letter from, 177.
Baltimore, H.M.S., 52, 64.
Banff, 133, 165, 166, 202, 218, 413, 474, 476; letters from, 165, 188.
Banffshire, 519.
Bannerman, Sir Alexander, of Elswick, 318.
Bannockburn House, 13, 423, 424, 428.
Barber, Mr., 393.
Barclay of Ury, 267, 268, 270, 272.
Barker, Captain, 13, 390.
Barra, Laird of, 70, 261, 262.
Barra, 75, 366, 409, 443; letter from, 525.
Barrell, Lieut.-General, 131.
Barrisdale, Macdonell of, *vide* Macdonell of Barrisdale.
Batereau, Colonel John, letter of, 45.
Bath, 173.
Bathouse, Lieutenant, 275.
Battalie, Rev. —, 205.
Baynes, Arthur, 214.
Beckwith, Lieutenant, 205.
Belenden, Lieutenant, 205.
Belford, Major William, letter of, 47.
— Lieutenant, 64.
Belhaven and Stenton, John, Lord, 538.
Bell, Surgeon, 206.
Benalder, 229, 230, 231, 239, 270, 282, 284.

Benbecula, Bailie of, *vide* Macdonald, Ronald.
Benbecula, 39, 69, 70, 74, 75, 76, 237.
Berard, Mr., 40.
Bergen, 397.
Bergen op Zoom, 454, 460, 470.
Bergusnay [?], 177.
Bernera, 75, 138, 206, 210, 240, 242, 296, 366, 384, 483; letters from, 128, 190, 525.
Bervie, 79, 202.
Berwick, John, 24.
Berwick, 369.
Betty, sloop, of Campbelltown, 264.
Bien Trouvée, French brigantine, 46, 408, 409, 410.
Biggar, Quartermaster, 206, 276.
Binchaskan [?], 53.
Bird, Corporal Benjamin, 512.
Bisset, Thomas, 247, 248, 255.
Black, Patrick, 394.
— Quartermaster, 226.
Blackmail, 491.
Blair, Rev. —, 429.
Blair Atholl, 141, 202, 245, 246, 248, 249, 250, 251, 252, 253.
Blair Castle, 11, 35, 43, 95, 97, 246, 247, 249, 250, 252, 256, 257, 258.
Blakeney, Captain George Augustus, 130, 205, 275.
— Quartermaster Robert, 130.
— Major-General William, 22, 98, 110, 125, 151, 170, 180, 209, 213, 231, 243, 266, 287, 356, 363, 370, 377, 378, 447, 539; letters of, 45, 59, 67, 84, 93, 111, 130, 154, 178, 195, 200; letters to, 45, 134, 171.
Bland, Major-General Humphrey, 99, 148, 404, 412, 463, 468, 469, 472, 473, 474, 477, 480, 492, 493, 503, 516, 518, 520, 529, 530, 540; letters of, 33, 119, 149, 158, 181, 191, 357, 380; letters to, 115, 184.
Blood (or Blyde), Andrew, 24.
Bloody Bay, 239.
Bofron [?], 158, 181, 203.
Bonchelier, Captain, 276.
Borland, Colonel A., letters of, 24, 101, 126, 173, 199; letter to, 187.
Borradale, 10, 70, 71, 72, 73, 293.
Borrowstounness, 119, 202.
Bostock, Lieutenant, 206, 276.
Boswell, Alexander, Deputy-Sheriff of Wigton, 536, 541.
— Mr., 358.
Boullue [? Bellew], Captain, 279, 280.
Bower, Francis, 71.
Bowers, Ensign, 205, 275.
Bowyer, Captain, 192.
Boyd, James, Lord, 205.
— William, 255, 256.
Boyle, of Showalton [?], 358.
Braco, William, Lord, letter of, 156.
Braddock, Colonel, 199, 347.
Brahan Castle, letters from, 171, 268.
Braemar, 157.
Brand, James, 418.
Breadalbane, 440, 441, 444.
Brechin, 146, 318, 501.
Bridgewater, H.M.S., 64, 269, 297, 390.
Brierley, Lieutenant, 205, 275.
Brodie, James, 536.
Broughton, Cornet, 226.
Brown, George, 536, 541.
— Rev. William, of Cortachy, 493, 499, 500; letter of, 499.
— Dr., of Inverness, 128.
— Ensign, 205, 275.
— Ensign, 276.
Bruce, Lady, 268, 272.
— David, Judge-Advocate-General, 34, 35, 77, 89, 142, 398, 413, 414.
— Henry, 320.
— Lieutenant John, 82.
— Robert, of Kennet, 538.
— of Clackmannan, 358.
— Lieutenant, 275.
Brudnell, Jemmy, 101, 156.
Brunstane, letters from, 515, 522.
Bryce, William, 495.
Buchanan, Francis, of Arnprior, 400, 414, 419.
— Patrick, of Spital, 400.
— Robert, 320, 444 [?].
— Thomas, 400.
— Lieutenant, 205, 275.
Buchlyvie, 158, 181, 192, 203, 445.
Buck, Captain, 206, 276.
Buckley, Captain, 226.
— Ensign, 206, 276.
Buckston, Lieutenant, 205, 274.
Burntisland, 13, 33, 404.
Burt, Edward, 152.
Burton, Captain Thomas, 199; letter of, 198.
Bury, George, Viscount, 2, 4, 6, 9, 101, 199, 285.
Bushell, Captain, 226.
Butler, of St. Malo, 271.
— Ensign, 323.
— Rev. —, 273.

Cadogan, Charles, Lord, 106.
Caithness, 32, 144, 196, 507.
Calgary, letter from, 89.
Callander, 178.
Callendar, James, of Craigforth, 539.
Calve, letter from, 92.
Cameron, Alexander, of Clunes, 271.

Cameron, Alexander, of Glenevis, 27.
— Alexander, of Lisdale [?], 332.
— Alexander, 304, 335.
— Lieutenant Allan, 266, 304, 335.
— Angus, of Kinlochleven, 291, 335.
— Angus, brother of Glenevis, 27, 291, 335, 338, 346, 376.
— Angus, 394.
— Dr. Archibald, 92, 241, 266, 268, 271, 273, 281, 282, 293, 299, 304, 326, 335, 368, 373, 376, 443, 448, 469, 470, 471, 474, 478, 526.
— Mrs. Archibald, 238, 291.
— Donald, of Lochiel, 16, 37, 72, 228, 229, 230, 238, 239, 241, 263, 266, 268, 270, 271, 280, 281, 282, 288, 293, 299, 303, 304, 325, 335, 410, 425, 461, 465, 470, 474, 478.
— Donald, 304, 335.
— Duncan, of Kinlochleven, 291, 333.
— Duncan, 291.
— Evan, 293.
— Hugh, 394.
— John, of Fassefern, 333, 337, 506.
— John, 394.
— Ludovick, of Torcastle, 241, 266, 273, 289, 291, 293, 300, 326, 335, 346, 367, 368, 373, 383, 443, 449, 469, 471.
— Murdoch, 27.
— of Arrochar [?], 327, 335, 347.
— of Clunes, 271, 337.
— of Glenpean, 337.
— of Murlaggan, 304, 335.
— of Strone, 335, 425, 426.
— Rev. —, brother of Lochiel, 407.
— Mr., 358.
— Clan, 292, 299, 303, 304, 306, 307, 311, 312, 313, 327, 332, 337, 346, 372, 422, 449, 484, 506, 525, 527, 528.
Campbell, Alexander, of Achingaran [?], 224.
— Alexander, of Arslignes [?], 318.
— Alexander, of Octomore [?], 224.
— Lieutenant Alexander, 207, 277.
— Captain Alexander, Deputy-Governor of Fort William, 113, 372, 446, 503, 504; letters of, 44, 85, 94, 443; letters to, 107, 129.
— Angus, 394.
— Archibald, of Inverawe, 224.
— Archibald, of Jura, 223.
— Archibald, of Knockbuy, 224.
— Archibald, of Stonefield, Sheriff-Depute of Argyll, 224, 358, 366, 374, 383, 440, 441, 444, 446, 448, 449, 536, 540; letters of, 365, 375; letters to, 228, 230, 367.
Campbell, Charles, 536, 539.
— Colin, of Carwhine [?], 224, 503.
— Colin, of Ederline, 224.
— Colin, of Skipness, 224, 409.
— Lieutenant Colin, 207.
— Daniel, of Dergachy [?], 224.
— David, of Donlokin [? Dunloskin], 224.
— Donald, of Airds, 224, 228, 327, 368, 440, 441, 444, 446, 450, 503; letters of, 238, 469, 525.
— Donald, of Island Stalker Castle, 238, 291; letters of, 228, 230 [?], 239.
— Dugald, of Achachrossan [?], 224.
— Dugald, of Cruachan, 224.
— Dugald, 36, 62; letters of, 22, 54.
— Captain Duncan, of Inveraray, 440, 441, 450; letters of, 167, 443, 444.
— Captain Duncan, of Inverawe, 224, 503, 504.
— Duncan, of South Hall, 224.
— George, of Carsegownie, letter of, 498.
— Sir James, of Ardkinglass, 539.
— James, of Inveresragan, 224.
— James, of Rashoyllie [?], 224.
— Captain James, 36, 149, 182, 183, 184, 191, 207, 211; letter of, 177.
— Lieutenant James, 277.
— John, of Achaderrery [?], 223.
— John, of Barcaldine, 223.
— John, of Kinloch, 318.
— John, of Killdallorg [?], 224.
— Hon. John, of Mamore, 32, 39, 44, 57, 69, 75, 76, 85, 98, 125, 138, 190, 215, 219, 230, 236, 239, 263, 297, 332, 333, 408, 409, 410, 412; letters of, 37, 81, 139, 155, 221; letters to, 169, 238, 239.
— Lieut.-Colonel John, of Mamore, 37, 38, 81, 82, 98, 140, 207, 410, 412; letters of, 57, 66, 92.
— John, of Succoth, 536, 538.
— John, 114, 129.
— Lachlan, 239.
— Neil, of Achinwillin [?], 224.
— Neil, of Dunstaffnage, 223.
— Neil, of Duntroon, 223.
— Neil, 413.
— Neil, 503.
— Ensign Patrick, 207, 277.
— Patrick, 312, 328, 369, 399, 419, 424, 431; information furnished by, 303-305, 331-40.
— Robert, of Asknish, 224.
— Robert, of Kintra, 224.
— of Calder, 422.
Campbelltown, 239, 240, 264, 446.

Canna, 69, 70, 265, 366, 372, 409.
Carleton, Ensign, 205, 275.
Carlisle, 151, 177, 205, 245, 259, 276, 404; trial of Jacobite prisoners at, 7, 8, 17, 65, 99, 119, 164, 195, 287, 302, 369, 395, 396, 398, 399, 401, 402, 404, 405, 410, 411, 412, 413, 415, 416, 418, 419, 420; letter from, 163.
Carmichael, James, 453, 459; letter of, 459.
Caroline, Princess, 173.
Carr, George, 536.
— Ensign, 206.
Carstairs, Rev. Thomas, 429.
Carter, Captain, 206, 275.
— Ensign, 275.
Cassillis, John, Earl of, 21; letter of, 21.
Cassley, Lieut.-Colonel, 205, 276.
Castle Drummond, 149.
Castle Menzies, 35, 43, 97.
Cathcart, Charles Schaw, Lord, 538.
Caulfield, Major William, 44, 145, 227, 503, 504.
Chabane, Major P., 60, 62, 103, 108; letter of, 19.
Chadwick, Thomas, 24.
Chalmers, George, W.S., 41.
— Captain, 323.
Chambre, Major, 200, 275.
Chandler, Thomas, 426.
Chape, James, 394.
Chapman, Captain, 206, 276.
Charles, Stewart, 339.
Charles Edward, Prince, military parties in search of, 10, 11, 12, 32, 38, 50, 53, 58, 60, 66, 92, 97, 98, 139, 231, 234, 236, 412; said to have used Lord George Sackville's bed during his wanderings, 340; movements of, 10, 11, 12, 14, 15, 17, 27, 32, 37, 38, 51, 52, 55, 92, 97, 228, 229, 230, 231, 237, 238, 239, 270, 272, 281, 282, 400, 408, 418, 424; French attempts to rescue, 33, 45, 46, 171, 236, 237, 238, 241, 268, 271, 273, 279, 297, 299, 408, 409; on the Long Island, 69, 70, 71; O'Neil's narrative of his flight from Culloden, 71 *et seq.*; cook to, 70, 72; assumes the incognito of "Sinclair," 73; resolves to surrender, 75, 412; Albemarle urged to effect his capture, 137; reported to be dead, 209, 405; his escape rumoured, 220, 227, 228, 233; his capture at sea reported, 294; reported to be in Mull, 231; celebration of his birthday at Edinburgh (1747), 348, 350, 351; escape of (September 20, 1746), 238, 240, 241, 242, 244, 262-63, 264, 265, 266, 267, 268, 278, 280, 282, 289, 293, 294, 295, 304; at Blair Atholl (August, 1745), 247, 248, 249, 250, 256, 257, 258; at Lude (September, 1745), 247, 248, 257, 258; at Dunkeld, 250, 251, 252; reasons for retreat of, from Derby, 259; proposes to die sword in hand, 282; communications to his followers at his departure, 282, 291, 299, 303, 305, 338, 460; expectation of his return, 367, 375.
Charters, Lieutenant, 206, 275.
Chelsea Hospital, 14, 484.
Chisholm, Clan, 422.
Christie, Lieutenant, 205, 275.
Churchill, Lieut.-General, 443, 447, 448, 453, 503.
Ciliestiella, 75.
Clanranald, Macdonald of, *vide* Macdonald.
Clanronald, Ronald, 69.
Clare, Charles O'Brien, Viscount, 295.
Clark, Isobel, 500.
— Robert, 500.
Clarke, Captain, 226.
Clasterim, 261.
Clayton, Lieut.-Colonel James, letter of, 163.
Clerk, John, 224.
Cliffe, Lieutenant, 206, 276.
Clifton, skirmish at, 168, 259, 261.
Clifton (Perths.), 366.
Cloudsley, Lieutenant, 206, 275.
Cluny Macpherson, *vide* Macpherson of Cluny.
"Cluny's Treasure," *vide* Loch Arkaig.
Cochrane, Andrew, Provost of Glasgow, 113, 129, 132.
— Mr., Commissioner of Excise, 161.
Coigach, 52.
Coldstream Guards, regiment of, 24, 101, 118, 126, 150, 173, 187, 199.
Colquhoun, Humphrey, 196; letter to, 153.
— Major James, of Luss, 443; letter of, 445.
— James, letter of, 169.
— Mr., Sheriff-Depute for Dumbarton, 358.
Colvil, Major, 158.
Colvill, Dr., 319.
Colville, Lieutenant, 205, 276.
Colyear, General, 198, 323.
Comrie, 178.
Conchie, Rev. —, 374.
Conway, Colonel, 12.
— Mr., 10.
Cooke, Quartermaster Nathaniel, 403.

Cope, Sir John, 95, 106, 145, 181, 199, 219, 339.
Copland, Alexander, Bailie of Aberdeen, 32, 41, 77.
Coradale, 74, 75.
Corneille, Captain, 205, 275.
Cornwallis, Charles, Lord, 142.
Corrichichan [?], 225.
Cortachy, 493, 499, 500.
Coul, 13, 48.
Coupar, Patrick, Bailie of Perth, 507, 510.
Coupar Angus, 142, 202, 205, 276.
Courts martial, *vide* Army.
Cowse, Cornet, 107, 226.
Craigie, Robert, late Lord Advocate, 352, 358; letter of, 359.
Crauford, Captain, 205, 275.
Crawfurd, Major, 390, 391.
— Mr., 460.
Crianlarich, 225.
Crichton, Thomas, junr., 319.
— of Auchengool, 320.
Crieff, 43, 149, 167, 175, 177, 178, 182, 202, 495; letter from, 184.
Crinlarick, *vide* Crianlarich.
Crocker, Ensign, 205.
Cromarty, George, Earl of, 51, 89, 101.
Cromarty, 33, 63, 84, 154, 179, 384, 505.
Crosby, Captain, 65.
— Captain, 35, 150.
Cross, Dean, 226.
— William, 536, 539.
Culcoy, William, 52.
Culdairs, 440.
Cullen, 3, 166, 202, 400, 476; letter from, 477.
Culloden, battle of, 3, 35, 71, 426, 502.
Culton, Ensign, 22.
Cumberland, William, Duke of, 1, 2, 3, 4, 5, 6, 9, 10, 12, 25, 34, 40, 68, 77, 78, 82, 83, 87, 90, 99, 118, 124, 126, 139, 148, 160, 162, 164, 175, 176, 179, 184, 192, 197, 198, 199, 211, 222, 231, 242, 259, 263, 278, 284, 297, 315, 316, 328, 341, 347, 353, 354, 378, 380, 390, 391, 397, 408, 409, 410, 424, 452, 454, 478.
Cummings, Lieutenant, 226.
Cunningham, Lady, 268, 272.
— Lieut.-Colonel David, letter of, 48.
— Captain William, 177, 178, 182, 183; letter of, 184.
— Major, 151.
Cupar, 119, 141, 201.
Cuthbert, James, 250, 252.
— of Castle-hill, 315.

Dalcross Castle, 310.
Dale, Lieutenant, 206, 276.
Dalelea, 241.
Dalgarnio, Lieutenant, 205, 276.
Dalkeith, 201, 429.
Dalling, Quartermaster, 226.
Dallmore, 157, 158.
Dallninclearach [?], 50.
Dalmahoy, Sir Alexander, 400.
— Alexander, 400.
Dalmally, 225.
Dalnacardoch, 202.
Dalrachne [?], 91.
Dalrops, *vide* Dalcross.
Dalrymple, David, 536, 537.
— George, Baron of Exchequer, 456, 458.
— James, *vide* James, Earl of Stair.
— Captain John, 456. *Vide* John, Earl of Stair.
— Colonel William, 455, 457.
— Ensign, 205, 275.
— Lieutenant, 205, 276.
Dalton, Lieutenant, 205, 276.
Dalwhinnie, 202.
Davidson, Anna, 513.
— James, 493; information against, 498.
— John, 501.
— Patrick, of Woodmiln, 513.
— Patrick, late Provost of Perth, 509, 510, 512.
Dawson, James, 24.
Deacon, Thomas, 24.
Dean, Lieut.-Colonel, 276.
Debuts, Lieutenant, 206, 275.
Decosne, Captain, 205, 276.
Dejean, Colonel Lewis, 133, 185; letters of, 165, 188.
Denson, Lieutenant, 276.
Derby, reasons for the retreat of Prince Charles from, 259.
Deribegg [?], 225.
Dobson, Captain, 205.
Dodd, Captain, 205, 275.
Donald, Baptista, 382.
Douglas, George, 44, 446; letters of, 15, 102, 446, 470, 506.
— Charles, 418, 420.
— Sir John, of Kilhead, 13, 14, 423, 424, 428, 441.
— William, 246.
— Surgeon, 206.
Doune, 120, 149, 150, 167, 181, 192, 202.
— Castle, 43.
Dowdeswell, Mr., 160.
Downan, 291.
Downes, Captain, 226.
Downie, Alexander, 158.
Draper, Lieutenant, 79, 80.
Drimeoragig [?], 331.

Drimnin, 331.
Druim Cosaidh, 38.
Drumlithie, 548.
Drummelzier, 201.
Drummond, George, of Drumnaquhaine [?], 319.
— George, Lord Provost of Edinburgh, 160, 161, 423, 469, 472, 473, 519.
— James, of Colquhalzie [?], 319.
— James, of Gatherlees [?], 400.
— Lord John, 3, 72, 110, 147, 148, 260, 461, 465, 502.
— Lord Lewis, of Melfort, 84, 98, 111, 154, 155, 179; letter of, 40.
— (*alias* Macgregor), William, of Balhaldie, 442, 443, 445, 446, 449, 450, 471; letter of, 451.
— William, of Callander, 319.
— of Lennox, 158, 159, 181, 182, 192, 203, 225, 445.
Drummond Castle, 182, 495.
Drummore, Lord, 537.
Drummullar, *vide* Drummelzier.
Ducasne, Captain, 187.
Duart, 206, 276, 294.
Dudepet, Lieutenant, 45, 46, 410.
Dudesert, Lieutenant, 67, 84.
Duff, James, 400.
— William, 536, 537.
— of Hatton, 134.
— of Premnay, 537.
Duguid of Auchinhove, 83.
Dumbarton, 221, 225.
— Castle, 21, 138, 155, 156, 328; letters from, 17, 19, 162, 169.
Dumbartonshire, 519.
Dumfries, Penelope, Countess of, 455, 457.
— Dumfries, William, Earl of, protest on behalf of the Earl of Stair, 455.
Dumfries, 201, 413, 428.
Dunbar, Lieut.-Colonel Thomas, 143; letters of, 22, 131.
Dunbar, 392.
Dunblane, 120, 149, 150, 181, 183, 202.
Duncan, Ensign, 205, 275.
— Rev. —, 205, 276.
Duncanson, Alexander, 224.
Dundas, Bailie, 467.
— Lawrence, 67, 135, 136, 183, 192; letter of, 95.
— Robert, of Arniston, 358, 549, 550.
— Captain, 323.
— Ensign, 323.
Dundee, 43, 99, 202, 319, 404, 414, 426, 501; letters from, 118, 141, 186, 197.
Dundonald, 51.
Dunfermline, 203, 413.
Duniewassells, 491.
Dunkeld, 43, 95, 141, 250, 251, 252, 253, 254, 255, 311, 414, 443, 492; letter from, 495.
Dunmore, John, Earl of, 5, 6.
Dunn, Cornet, 226.
Dunstaffnage, 82, 114, 294.
Duroure, Lieut.-Colonel, 206, 302, 303, 304, 330, 448; letter of, 312.
Dury, Colonel, 4.

Earle, Major, 174.
Edinburgh, 12, 13, 47, 55, 77, 84, 86, 90, 95, 100, 104, 182, 184, 185, 200, 202, 234, 259, 302, 310, 336, 348, 349, 350, 351, 369, 394, 399, 400, 413, 415, 416, 423, 429, 441, 453, 461, 472, 473; letters from, 12, 21, 47, 48, 49, 55, 86, 95, 99, 100, 120, 144, 154, 159, 213, 214, 220, 222, 227, 234, 235, 242, 262, 267, 269, 278, 284, 286, 294, 298, 299, 301, 315, 321, 325, 326, 328, 329, 341, 343, 344, 347, 348, 350, 352, 353, 354, 356, 359, 363, 366, 368, 374, 377, 381, 382, 385, 389, 390, 392, 395, 397, 398, 400, 401, 404, 410, 411, 414, 415, 417, 418, 420, 421, 423, 426, 427, 430, 431, 432, 434, 436, 437, 438, 439, 446, 447, 449, 451, 459, 460, 462, 463, 466, 468, 471, 473, 479, 492, 497, 505, 507, 517, 524, 528, 529, 543.
Edmonds, Lieutenant, 205, 276.
Edmonstone of Newton [?], 35.
Eglinton, Alexander, Earl of, 364, 539.
Eguilles, Marquis d', 164.
Eigg, 264, 299, 376, 433.
Elchies, Lord, 358, 538, 541.
Elcho, David, Lord, 72.
Elgin, 3, 23, 67, 94, 145, 147, 202; letters from, 94, 104, 169.
Elibank, Lady, 324.
Elizabeth, the, of Glasgow, 393.
Ellagol, 69.
Elliot, Sir Gilbert, Lord Minto, 358, 453, 539; letter of, 459.
— Gilbert, 536, 539.
Elphinston, Lieutenant Charles, 112.
Elrington, Ensign, 205, 275.
Eltham, letters from, 32, 37, 39, 63.
Embargo upon Scottish ports, 17, 43, 55, 260, 401.
Episcopal ministers, 425, 428, 429, 507, 518, 546. *Vide* also Nonjuring Meeting-houses.
Erskine, Lord, 358, 538.
— James, 536, 538.
— of Sinwell, 358.
— Captain, 205, 275.

Euirn, Island, 74.
Evelyn, Captain, 348.
Experiment, H.M.S., 138.
Eyre, Captain, 206, 275.

Falie, Ford of, 72.
Falkirk, 182, 183, 406.
Faroline, 72.
Farquhar, Rev. —, Dumfries, 428.
Farquharson, James, of Balmoral, 319.
Fasnakyle, Braes of, 229.
Fassefern, 333.
Fauld, James, 411.
Fawkener, Sir Everard, 44, 49, 55, 63, 99, 113, 140, 294, 396, 398, 407; letters of, 12, 391; letter to, 390.
Feltoe, Captain, 276.
Ferguson, James, of Craigdarroch, 538.
— James, 405, 535.
Fergusson, Captain John, 76, 190, 298, 407, 408, 409, 410; letter of, 219.
Ferrier, Captain David, 146.
Ferrybridge, 104.
Ferruish [?], 331.
Field, Captain, 276.
Findhorn, 202.
Findlater and Seafield, Earl of, 460, 474, 537; letter of, 476; letter to, 477.
Findlayson of Dunkeld, 443.
Finlay, Andrew, 256.
— Robert, letters of, 107, 113, 129, 132.
— William, Bailie of Campbelltown, 264.
Fisher, Duncan, 224.
Fitzgerald, Captain, 206, 276.
Fitz-James's horse, 148.
Fleming, Brigadier, 164, 205, 275.
— Lieutenant, 205, 275.
Fletcher, Andrew, Lord Justice-Clerk. 13, 14, 17, 34, 35, 65, 98, 138, 193, 210, 214, 317, 321, 322, 325, 326, 330, 349, 350, 358, 361, 363, 369, 376, 382, 383, 384; letters of, 42, 49, 55, 78, 86, 99, 100, 120, 389, 390, 392, 395, 397, 398, 400, 401, 404, 410, 411, 414, 415, 417, 418, 420, 421, 423, 426, 427, 430, 431, 432, 434, 436, 437, 438, 439, 446, 447, 449, 451, 452, 453, 460, 462, 463, 466, 468, 471, 473, 479, 492, 497, 505, 507, 515, 516, 517, 518, 522, 524, 526, 528, 529, 542, 543, 550; letters to, 7, 41, 48, 76, 82, 193, 288, 391, 407, 443, 445, 459, 469, 470, 476, 504, 506, 520, 549; son of, 549, 550.
— George, 24.
Fochabers, 166, 202.
Foggo, John, 256.
Folliot, Lieut.-General, 101, 106.
Forbes, James, Lord, 270.
— Duncan, of Culloden, Lord President of the Court of Session, 145, 146, 147, 210, 337, 349, 350, 396, 422, 427, 428.
— George, 41.
— James, 394.
— Lieutenant John, of Newe, 503, 504.
— Rev. Patrick, 429.
— Bishop Robert, 270.
— Rev. William, 429.
— Lieutenant, 205, 275.
— of Rotterdam, 526.
Fordyce, James, 362.
Forfar, letter from, 48.
Forfarshire, 515.
Forres, 202; letters from, 131, 143, 147.
Forrester, Major James, letter of, 175.
Fort Augustus, 9, 10, 11, 43, 55, 72, 90, 91, 95, 104, 154, 166, 176, 190, 202, 213, 214, 227, 230, 289, 336, 483, 540; letters from, 4, 6, 8, 10, 11, 14, 68, 71, 97, 110, 125, 231, 243, 384, 391, 407, 408, 413, 448, 470.
Fort George, 9, 289, 448.
Fort William, 9, 11, 22, 36, 39, 44, 54, 62, 63, 93, 96, 98, 113, 114, 115, 202, 211, 238, 243, 289, 291, 292, 297, 303, 304, 330, 333, 361, 440, 448, 483, 503; letters from, 15, 26, 44, 62, 85, 94, 96, 102, 179, 265, 312, 446, 470, 505, 526.
Fortrose, Kenneth, Lord, 12, 302, 314, 329, 422; letters of, 171, 268; letter to, 269.
Fortrose, the, 358.
Foulden, 201.
Fowke, Brigadier-General Thomas, 106, 199.
Fowlis, Rev. Henry, 429.
Fox, Rt. Hon. Henry, 118, 126, 348; letters of, 106, 112, 168, 174.
Fox, H.M.S., 146.
Fraser, Alexander, of Inverness, 434.
— Alexander, of Tomnavoulin, 434.
— Andrew, 351.
— Charles, of Fairfield, 319.
— Charles, of Inverallochy, 319.
— Rev. Donald, 436.
— Hugh, of Dumballoch, 356, 435.
— Hugh, secretary to Lord Lovat, 155, 196, 211, 214, 287, 316, 341, 344, 425, 426, 427.
— Hugh, 356.
— James, of Fanblair [?], 434.
— James, Bailie of Inverness, 135.
— John, chamberlain to Lord Lovat, 356.

Fraser, John, Provost of Inverness, 135.
— John, 356.
— John, 426.
— Peter, 339.
— Robert, of Castle-Leathers, 369, 431, 432.
— Robert, 165.
— Hon. Simon, Master of Lovat, 90, 91, 110, 121, 125, 211, 287, 315, 345, 417, 426, 453, 454; letter of, 89.
— Thomas, of Struy, 435.
— Thomas, 257.
— William, 427, 434.
— William, W.S., 455.
— Captain, 205, 275.
— of Foyers, 319.
— of Gortleg, 356.
— Mr., solicitor, 433.
— Clan, 311, 312, 313, 370, 371, 422, 426.
Fraserburgh, 33, 122, 166, 202.
Frearson, Ensign, 276.
French officers, 40, 45, 67, 84, 164, 171, 263, 266, 287, 297, 338, 345, 364, 369, 381, 382, 383, 408, 410.
— soldiers, 150, 183, 414.
— ships in British waters, 15, 26, 27, 32, 33, 45, 46, 63, 64, 146, 228, 236, 238, 239, 240, 241, 242, 243, 264, 265, 266, 267, 268, 269, 271, 273, 279, 280, 282, 299, 367, 368, 375, 376, 383, 408, 409, 433, 443, 446, 447, 448, 525, 526, 528.
— schemes for the invasion of England, 260, 372, 376, 465, 478, 495, 525.
Frew, Ford of, 192.
Frigge, Mr., 67, 135, 136.
Funnary, 332.
Furnace, H.M.S., 55, 63, 64, 73, 76, 190, 219, 298, 390, 409.

Gachen, Lieutenant, 408.
Gage, Captain, 165, 206, 275.
Gairloch, 54, 269, 408.
Gall, John, of Kinloch, 319.
Galloway, Alexander, Earl of, 538.
Garden, Alexander, of Troup, 214, 217, 220, 493, 494; letter of, 504.
— David, of Laloun [?], 319.
— Francis, 536, 537.
Gardiner, Major, 104, 226.
— Mr., 67.
Garioch, Alexander, of Mergie [?], 521.
Garmouth, 202.
Gartmore, 191, 400.
Garve, 50.
Garveymore, 202.
Gascoign, Lieutenant, 206.
George II., King, 199.
Gibraltar, H.M.S., 390.
Gillon, John, 536, 540.
Glamis, 134, 185.
Glasgow, 90, 158, 182, 202, 203, 227, 296, 297, 383, 424, 428, 453; from, 107, 113, 129, 132.
Glasgow, H.M.S., 33, 46, 63, 64, 111, 147, 154, 179, 269, 409, 410.
Glenaladale, 271, 291.
Glenartney, 185.
Glencairn, William, Earl of, 538.
Glencoe, 292, 333, 366, 374, 383.
Glen Creran, 229.
Glendee, 157.
Glen Dessary, 37, 38, 66, 81, 92, 97, 1
Glendourar [?], 333.
Glenelg, 51, 336.
Glenevis, 27, 333.
Glen Falloch, 225.
Glenfinnan, 238.
Glentrafarrar, *vide* Glenstrathfarrar.
Glengarry, 27, 311, 312, 313, 336, 470.
Glenkindie, 469.
Glenlouh [?], 406.
Glenlyon, Lady, of Culdairs, 338, 444.
Glenlyon, 444.
Glen Morar, 72.
Glenmoriston, 11, 15, 90, 97, 313, 336.
Glenorchy, John, Lord, 288, 539.
Glenpean, 72, 92.
Glenshiel, 11.
Glenstrathfarrar, 313.
Godfrey, Captain, 276.
Godolphin, Francis, Earl of, 348.
Gomeperra, or Gomessera, Mr., 93, 12
Goodenough, Captain, 205, 275.
Gordon, Cosmo-George, Duke of, 28, 179, 302, 330.
— Charles, of Terpersie, 195, 400.
— Lieutenant Adam, 218, 276 [?].
— Gilbert, Bailie of Inverness, 13
— John, of Avochy, 170, 493, 494, 505.
— Lord Lewis, 134, 147, 170, 273,
— Rev. Patrick, 429.
— Sir William, 316, 476.
— William, Bailie of Aberdeen, 57, 77, 117, 195.
— of Aberlour, junr., 320.
— of Glenbucket, 35, 170, 273, 28
— of Kirkhill, 320.
— Captain, 323.
— Captain, 476.
— Ensign, 205.
— Ensign, 323.
— Lieutenant, 275.
Gordon Castle, 246.
Gore, Captain, 205, 275.
— Captain, 226.

Goring, Captain, 206, 276.
Gortleg, 72.
Gow, Donald, 250, 251.
— James, 249.
Grafton, Charles, Duke of, 1, 10, 348.
Graham, Alexander, 445.
— David, of Duntroon, 397.
— John, of Kilmardinny, 320.
— Mungo, 358, 400.
— Robert, of Garvock, 319.
— Walter, of Drunkie, 320, 445.
— of Duchray, 445.
— of Gartmore, 191.
Grant, Captain Alexander, 216, 217, 288.
— Alexander,[1] Sheriff of Aberdeen, 101, 121, 357; letter of, 82.
— Allan, 394.
— Sir Archibald, of Monymusk, 537.
— Duncan, letter of, 152.
— Sir James, 422.
— Rev. James, 99.
— James, 417.
— Rev. John, 417.
— John, 536, 538, 540.
— Lachlan, W.S., 455.
— William, Lord Advocate, 301, 315, 316, 317, 325, 330, 349, 352, 353, 358, 361, 369, 382, 427, 428, 436, 467, 468, 469, 472, 474, 493, 497, 519, 523, 537; letters of, 318, 421.
— Lieutenant William, 207.
— William, 170.
— Laird of, 83.
— Clan, 292, 313, 336, 484.
Grant Castle, 91.
Grantsfield,[2] letter from, 82.
Gray, John, Lord, 357.
— John, 100.
— David, 424, 442.
— William, 394, 399.
— Major, 143.
— Mr., 399, 418, 419.
Great Stoughton, 102.
Green, Sergeant, 226.
Greenock, 393.
Greig, Rev. Alexander, 518, 521, 548.
Greyhound, H.M.S., 32, 63, 64, 408, 409.
Griffith, P. Robert, 234.
Grinfield, Captain, 205, 275.
Guest, Lieut.-General, 220.
Gunn, Captain, 232.

Habeas Corpus Act, suspension of, 301, 317, 325, 383, 436.
Haddington, 201, 413.
Haining, Lord, 358, 539.
Haldamot, Mr., solicitor, 413.
Haldane, Alexander, 319.
— John, 319.
— Patrick, 413, 414.
Halkett, Sir Peter, 321, 379.
— Ensign, 206, 276.
Haliburton, Mr., 338.
Hall, Sir John, 118.
— Cornet, 168.
Hamilton, James, Duke of, 102.
— Captain Charles, 13, 60, 62, 89, 103, 108, 352, 353, 358, 359, 403, 407; letter of, 48; letter to, 49.
— James, 358, 536, 539.
— John, 150.
— Robert, of Bardewie [?], 320, 445.
— Major-General, 226.
Hamilton, 260.
Handasyde, Lieut.-General, letter to, 230.
Happy Janet, H.M.S., 64.
Hardcastle, Ensign Thomas, 164.
Harper, Corporal William, 511.
— Rev. William, 429.
Hart, Captain, 276.
Harvey, Captain, 206, 275.
— Lieutenant, 20.
Harvie, James, 394, 399.
Hawke, Admiral, 468.
Hawley, Lieut.-General Henry, 5, 6, 260.
Hay, Charles, of Ranas [?], 261, 319, 477.
— Thomas, 535.
— Captain, 205, 275.
Hazard, H.M.S., 146.
Hegginson, John, 509.
Henderson, Robert, 379.
— Patrick, 413, 419, 431.
Henry Benedict, Prince, Cardinal York, 271.
Hepburn, Miss, 322, 324.
Hepworth, Lieutenant, 205.
Herrison, Rev. —, 334.
Hesse, Prince Frederick of, 4.
— Princess of, 173.
Hessian troops, 4, 261, 389, 390.
Hewston, Lieutenant, 324.
Hicks, Captain, 199.
Higginson, Lieutenant Joseph, 131.
Highlands, Act for disarming the, 473, 479, 482, 488, 493, 503; causes of lawlessness in, 305, 480; King's bursaries in, 310; money disbursed by Cluny in, *vide* Loch Arkaig; parishes in, 306, 308, 309, 487; places burnt and destroyed in, 331 *et seq.*; Roman Catholic priests in, 306, 308, 334, 482; schools in, 306,

[1] The signature appended to his letter (No. LX., *supra*) should read "Al." and not "M."

[2] Now known as Midmar Castle.

308, 482, 420; spirit of, after Prince Charles's departure, 291, 295, 299, 300, 303, 304, 312, 313, 326, 331 *et seq.*, 346, 365, 367, 370, 371-74, 383, 432, 449, 460, 461, 465, 469, 470, 524, 525, 527; suggestions for the settlement of, 283, 289, 307-11, 357, 447, 462, 479, 480-92, 529; visiting committee recommended for, 310; military posts for guarding the, 158, 181, 191, 192, 209, 222, 225, 327, 347, 365, 366, 374, 383, 448, 489.
Hislop, Christopher, 441.
Hodgson, Mr., 10.
Holmes, Lieutenant, 205, 275.
Home, William, Earl of, 537.
— Alexander, 161.
— David, 400.
— Henry, 399, 413, 419, 537, 542.
— of Manderston, 400.
Honeywood, General, 5, 6.
Hope, Lieutenant, 205, 276, 408.
Hopetoun, John, Earl of, 452, 460.
Horse-shoe Bay, 51, 52, 140, 156; letters from, 32, 37, 63, 81.
Howard, Lieut.-Colonel George, 210, 403, 404, 412; letter of, 163.
Howe, Captain, 341.
Hudson, Captain, 408.
Hume, Rev. Alexander, 207, 277.
— Norwell, 268, 272.
Humphreys, Charles, 252, 254.
Hunter, David, of Burnside, 319, 495.
Huske, Major-General John, 4, 120, 122, 276, 357, 367, 383, 436, 438, 441, 443; letter of, 350.

Iffurt, Island, 74.
Inches, David, 253.
Inglis, Sir John, of Cramond, 467.
— John, 21.
Innes, Alexander, 170.
— Sir Harry, 145; letter of, 169.
— Sir James, 319.
— James, 400, 418.
— Provost, of Banff [?], 218.
Inveraray, 82, 114, 115, 167, 203, 303, 311, 331; letters from, 139, 155, 167, 221, 222, 241, 365, 367, 375, 444, 526.
Invergarry Castle, 72.
Invermallie, 406.
Invermoriston, 90.
Inverness, 11, 33, 40, 54, 63, 71, 84, 98, 128, 144, 147, 148, 153, 167, 202, 205, 209, 211, 213, 214, 232, 296, 310, 311, 329, 339, 340, 351, 363, 370, 381, 383, 417, 432, 433, 434, 448, 503; letters from, 20, 22, 23, 40, 45, 54, 59, 67, 68, 84, 90, 93, 111, 130, 134, 135, 152, 154, 178, 180, 195, 200, 237, 355.
Inverness-shire, 315, 422, 462, 493.
Inversanda, 225.
Inversnaid, 27, 181, 289.
Inverurie, 371; skirmish at, 134, 148, 170.
Irvine, 297, 383, 393.
Island Stalker Castle, 225, 230, 332, 365, 366, 374, 383; letters from, 228, 230 [?].

Jackson, Lieut.-Colonel George, 30, 83, 122, 134, 185, 193; letters of, 27, 59, 123.
— William, W.S., 361, 454.
Jedburgh, letter from, 550.
Jefferys, Brigadier, 173, 199.
— Ensign, 206, 275.
Jepson, Captain, 206, 275.
Johnshaven, 202.
Johnson, Lieutenant, 276.
— Mr., 62.
Johnston, Alexander, Bailie of Campbelltown, 264.
Johnstone, Captain, 323.
— Mr., 322, 324.
— Miss, 322, 324.
Jordan, Lieut.-Colonel, 226.
Justices of the Peace, 353, 358, 364, 365, 462, 468, 493, 503, 505, 507, 515, 519, 543.

Kalynge, Ensign, 205, 275.
Karver, Lieutenant, 226.
Keanlochewe, 51, 54.
Keanlochnidale [?], 409; letter from, 241.
Keir, Duncan, 157.
— John, 513.
— Patrick, 513.
— Walter, 509, 512.
Keith, Rev. Robert, 429.
Kellie, Alexander, Earl of, 392.
Kellisvick-patrick [?], 225.
Kennedy, Alexander, 247, 248, 258.
— Donald, 247, 257, 258.
— Neil, 247.
— Patrick, 257.
— Major Thomas, 40, 72, 211, 287, 315, 326, 341, 342, 344, 370, 382.
— Clan, 336.
Keppan, *vide* Kippen.
Keppel, Captain, 199.
Keppoch, 313.
Ker, Lord Mark, 226.
Kiel, 332, 333.
Kilbride, 237.
Kildun House, 73.

Killearn, 436.
Killiecrankie, 246.
Killin, 178, 225.
Killoundan, *vide* Killundine.
Killundine, 331.
Kilmarnock, William, Earl of, 89, 101, 102, 127.
Kilmarnock, 177.
Kincardineshire, 353, 413, 515, 520, 546, 547.
King, Lieutenant, 206.
Kingairloch, 292, 332.
Kingston, Evelyn, Duke of, 4.
Kingston, the, 381.
Kinloch, 327.
Kinlochleven, 292.
Kinloch Moidart, 72, 332.
Kinnaird, James, Bailie of Inverness, 135.
Kinneir, Captain, 206, 276.
Kintail, 51, 180, 220, 336.
Kintore, John, Earl of, 357, 520, 521, 546.
Kintyre, 260.
Kippen, 158, 181, 192, 203.
Kirkcaldy, 119.
Kirkpatrick, William, 539.
Kirkwall, 63, 195.
Kirriemuir, 500.
Kishorn, 51.
Kissern, *vide* Kishorn.
Knatchbull, Captain, 276.
Knock, 332.
Knoidart, 12, 26, 51, 291, 313, 334, 406.
Knowler, Captain, 297, 390.

La Bellone, 149.
Laforcy, Colonel, 199.
La Frosette, Major, 36.
Laggan, 331.
Laing, Thomas, 394.
— Rev. —, of Puttachy, 428.
Lamont, Mr., 409.
Lancize (or La Luize), Chevalier de, letters of, 171, 172, 180.
Lane, Lieutenant, 205, 276.
Laroch [?], 333.
Lascelles, Colonel Peregrine, 106, 199.
Lauderdale, James, Earl of, letter of, 104.
Laurence, Lieutenant, 205, 276.
Law, Rev. William, 429.
Lawrence, Lord, 206.
— Ensign, 24, 173.
Leader, Captain St. John, 511; letter of, 501.
Lee, Colonel, 99, 100.
— Ensign, 206, 276.
Leigh, Quartermaster, 226.
Leighton, Lieut.-Colonel, 34, 201, 205.
Leith, George, 61, 100, 108.
— Lawrence, 61, 108.
Leith, Patrick, 61, 100, 108.
Leith, 235, 261, 268, 269, 272, 297, 329, 389, 429.
Lenten, Herritage, 126, 173.
Leominster, Thomas, Lord, 206, 275.
Leslie, James, 358, 536, 539.
— Captain, 205, 276.
Letterfinlay, 202.
Lettermore, 333.
Leven, Alexander, Earl of, 352.
Lever, Lord, 358.
Lewdat, James, 351.
Lewis, 232, 268, 269, 366.
L'Heureux, French privateer, 236, 237, 240, 242, 243, 264, 265, 266, 267, 268, 269, 271, 273, 279, 280, 282, 293, 295.
Liège, engagement near, 285, 290.
Lightfoot, John, 150.
Ligonier, Sir John, 2.
Lindsay, David, 319.
— Hercules, 537.
— Patrick, 162, 167; letter to, 191.
— Peter, 400.
— of Woringston [?], 400.
Linlithgow, 119, 150, 182, 202, 399, 460.
Littler, Ensign, 206, 276.
Livingston, Rev. —, of Old Deer, 428.
Livingstone, Mr., 541.
Lloyd, Captain, 33, 154, 155, 179.
Lochaber, 11, 228, 229, 230, 239, 241, 270, 291, 299, 313, 314, 333, 339, 340, 371, 372, 373, 384, 401, 426, 443, 469, 483, 484, 491, 492, 527.
Loch Arkaig, 27, 92, 216, 228, 230, 238, 239, 265, 268, 271, 282, 327, 334, 337, 346, 372, 412; French treasure concealed at, 64, 228, 272, 273, 282, 291, 293, 295, 299, 300, 304, 312, 326, 331, 332, 337-39, 346, 349, 372, 375, 376, 465, 469, 471, 506, 527.
Loch Boisdale, 11, 74, 75, 237, 240, 269.
Loch Broom, 15, 32, 39, 53, 171, 230, 393, 408, 409, 410; letters from, 50, 52, 58.
Loch Carron, 51, 54.
Loch Earn, 178.
Loch Eil, 327, 333.
Loch Ericht, 291.
Locherrick, *vide* Loch Ericht.
Lochgarry, 336.
Loch Lochy, 291.
Lochnanuagh, 64, 228, 238, 240, 241, 264, 265, 267, 268, 271, 273, 279, 293, 410, 478, 489, 525.
Loch Ness, 502.
Loch Nevis, 408.
Loch Oich, 26.

Loch Skiport, 81.
Loch Torridon, 51, 54.
Loch Turaden, *vide* Loch Torridon.
Loch Uskavagh, 74, 75.
Lockhart, Alexander, 405, 467, 535.
— Captain, 323.
— Major, 336.
Logierait, 250, 251.
London, City of, gifts to the army in Scotland, 297.
Longside, 428.
Loo, H.M.S., 64, 269.
Lord Advocate, the, *vide* Grant, William.
Lord Justice-Clerk, the, *vide* Fletcher, Andrew.
Lord President of the Court of Session, the, *vide* Forbes, Duncan.
Lunt, Lieutenant, 206, 276.
Loudoun, John, Earl of, 11, 12, 64, 98, 147, 148, 179, 190, 195, 196, 214, 230, 296, 337, 363, 369, 383, 384, 413, 431, 432, 433, 434, 452, 537; letters of, 90, 110, 125, 135, 180, 231, 237, 243, 355; letters to, 89, 213, 237, 243, 351.
Louini, *vide L'Heureux.*
Lovat, Simon, Lord, 72, 104, 110, 127, 214, 226, 339, 397, 425, 426, 427, 484; his trial before a Grand Jury of Inverness suggested, 421; impeachment of, 427, 433, 436; witnesses for the trial of, 287, 316, 349, 355, 356, 363, 369, 384, 424, 426, 430, 431, 432, 433, 434, 435, 436.
— Master of, *vide* Fraser, Simon.
Lovett, Quartermaster, 205, 275.
Lucas, Captain, 150.
Lude, Charlotte Robertson, Lady, depositions against, 244 *et seq.*
Lude, 247, 248, 250, 257.
Lugton, Simon, 394.
Luss, 397.
Lynch, Captain, 271, 273.
Lyon, Rev. Robert, 400.
Lyon, Braes of, 225.

Macaddam, Lieutenant, 205.
Macallester, Mr., 260.
Macalpin, Gilnaouth, 240.
— Niven, 264, 265.
Macassec, Rev. —, 334.
Macaulay, Angus, 70.
Macbean, Benjamin, 424, 425, 426.
— Major, 425, 426.
Macbeth, Ensign, 207.
Maccall, John More, 229.
Maccon, James, 239, 240.
Maccormac, Donald, 394.
Macculloch, Mr., 195.
Macculloch of Glailich [?], 319.
Macdonald, Æneas, 70, 72, 138, 210, 287.
— Alexander, of Boisdale, 69, 70, 71, 75, 156, 296.
— Alexander, of Garigol [?], 71.
— Alexander, of Glenaladale, 241, 271, 279, 334.
— Alexander, of Keppoch, 241, 312, 333, 338.
— Alexander, of Kingsburgh, 55, 345.
— Sir Alexander, of Sleat, 262, 263, 294, 295, 296, 298, 324, 326, 335, 339, 408; letter of, 259.
— Captain Allan, of Keppoch, 334.
— Allan, of Morar, 98, 155.
— Allan, of Knock, 70.
— Rev. Allan, 73, 409.
— Angus, 250.
— Angus, 264.
— Archibald, 264.
— Charles, 536.
— Captain Donald, of Castletown, 336.
— Captain Donald, of Clanranald, 297, 316, 341, 343, 345, 370, 382.
— Donald, of Kinloch Moidart, 394, 399, 419.
— Donald, tailor, 270, 368 [?], 371 [?].
— Donald, letters of, 240, 241.
— Donald, 394.
— Donald Roy, 72.
— Duncan, 247, 258.
— Flora, 11, 37, 39, 55, 75, 76, 262, 297.
— Francis, 70.
— Hugh, of Armadale, 69.
— Captain James, of Aird, 336.
— John, 70.
— John, of Benbecula, 71.
— Captain John, of Kirkibost, 336.
— Captain John, 343.
— Ranald, of Clanranald, 39, 69, 70, 82, 262, 334, 410; letter to, 259.
— Lady, 38, 39, 69, 70, 71, 81, 409.
— Ranald, younger of Clanranald, 240, 241, 265, 268, 270, 271, 272, 273, 279, 282, 289, 291, 296, 334, 346, 372.
— Captain Ranald, of Morar, 85, 98, 155.
— Roderick, 70.
— Ronald, Bailie of Benbecula, 69, 70.
— Captain Ronald, of Clanranald, 74, 164 [?].
— Ronald, of Garrifluch [?], 70.
— Rory, 237.
— of Croulin, 334.
— of Morinish [?], 334.
— Bishop, 268, 273, 470, 525.
— Collector, 240.
— Ensign, 99.

Macdonald, Ensign, 275.
— Clan, 292, 303, 306, 307, 311, 313, 332, 334, 337, 372, 422, 526, 527, 528.
Macdonell, Æneas, of Scotus, 242, 291, 334; letter of, 343.
— Alexander, younger of Glengarry, 86, 405.
— Alexander, of Ochtera [?], 334, 406.
— Allan, son of Scotus, 334, 406.
— Angus, son of Glengarry, 86, 405, 406.
— Angus, brother of Glengarry, 338.
— Angus, brother of Lochgarry, 334.
— Don, cousin of Ardnabie [?], 406.
— Donal, of Teirnadreish, 394, 399.
— Donald, of Lundie, 334, 406.
— Donald, of Scotus, 87.
— James, son of Glengarry, 406.
— Archibald, younger of Barrisdale, 241, 244, 266, 268, 272, 279, 305, 334, 335, 478.
— John, of Glengarry, 72, 86, 87, 88, 212, 288, 325, 407; information against, 405.
— John, younger of Scotus, 241, 305, 334, 335, 406.
— Ronald, brother of Glengarry, 406.
— Ronald, of Shian, 87, 334, 406.
— of Ardnabie [?], 261.
— of Barrisdale, 38, 87, 125, 190, 213, 215, 219, 233, 240, 241, 244, 262, 266, 268, 272, 279, 284, 305, 334, 335, 406, 418, 478, 492.
— of Lochgarry, 11, 26, 27, 72, 241, 244, 261, 266, 268, 281, 282, 293, 304, 335, 401, 406.
— of Tullochrom, 238.
— Clan, 292, 313, 334, 406, 422, 484, 527, 528.
Macdougall, Mrs., 330, 338, 349, 428.
Macdowall, Andrew, 535.
— Charles, 539.
— Peter, 538.
Maceachain, Neil, 75.
Maceuan, Alexander, 253.
— James, 253.
— Robert, 252.
Macfarlane, William, 252.
Macgachan, Charles, 70.
— Ronald, 69, 70, 74.
Macghie, Mr., 132.
Macgilleraydule, Dugal Roy, 288.
Macgillivray, Clan, 422, 426.
Macgregor, James, of Glengyle, 319, 338.
— James Drummond, of Balnacoul, 320.
— Robert Murray, of Glencarnoch [?], 320.
— Rob Roy, 27.
Macgregor, Corporal, 351.
— Clan, 289, 312, 349, 384, 397.
Machevoul, John, 268, 292.
Macjames, John, 434.
Mackay, Captain Alexander, 207, 277, 351.
— Captain George, 12, 50, 51, 217, 232, 503, 504; letter of, 58.
— Hugh, 165.
— Ensign, 275.
— Major, 107.
— Lieutenant, 323.
— Clan, 330.
Mackeizig, Duncan, 70.
Mackellar, Neil, 224.
Mackendrick, Clan, 336.
Mackenzie, Alexander, of Ballone, 51, 52.
— Sir Alexander, of Coul, 314.
— Alexander, of Fairburn, 314.
— Alexander, of Muirtown, 314.
— Alexander, of Ord, 314.
— Rev. Alexander, 429.
— Callum, 157.
— Colin, of Kilcoy, 314.
— Captain Colin, letter of, 269.
— Colin Roy, 52.
— Donald, 157.
— Donald, 394.
— Duncan, 158.
— George, of Allangrange, 314.
— James, of Carrie [?], 319.
— Rev. James, 429.
— John, of Balmaduthy, 314.
— Rev. John, 249.
— John, 46.
— Kenneth, 50, 52.
— Lewis, of Scatwell, 314.
— Murdoch, 51, 52.
— Rod., of Redcastle, 314.
— Rod., of Scatwell, 314.
— William, of Suddie, 314.
— Major William, 60, 277.
— of Fairfield, 319.
— Captain, 358.
— Ensign, 323.
— Lieutenant, 205.
— Mr., 141.
— Clan, 311, 370.
Mackie, Rev. James, 385, 438.
Mackinnon, John, of Ellagol, 10, 69, 408.
— John, of Mackinnon, 10, 69, 71, 407.
— Lady, 156, 190.
— Mr., Excise officer at Leith, 231, 234.
Mackintosh, Lady, 71.
— Alexander, 157.
— Alexander, 298.
— Lachlan, 298.
— Captain, 167.
— Clan, 311, 422.

Maclachlan, Alexander, Aide-de-Camp to Prince Charles, 335, 445 [?].
— Archibald, 400.
— John, letters of, 26, 265.
— Laird of, 373.
— Mr., son-in-law to the Governor of Fort William, 72, 303, 339.
— Rev. —, 334.
— Clan, 311.
Maclaren, Duncan, 249.
— John, 175.
Maclean, Allan, 37, 240.
— Jerlvick, 231.
— John, 70.
— Lachlan, of Kingairloch, 224.
— Lachlan, of the *May*, 265, 272; letter of, 278.
— Lachlan, 238.
— Clan, 303, 311, 331, 332.
Macleod, Alexander, 52.
— Donald, of Bernera, 319.
— Donald, of Gualtergill, 70, 72, 73.
— Hugh, of Geanies, 314.
— John, 52.
— Captain John, of Talisker, 69, 240, 241, 269, 297, 336; letter to, 278.
— Malcolm, of Raasa, 319.
— Captain Malcolm, 69.
— Murdoch, younger of Raasa, 319.
— Captain Norman, of Bernera, 336.
— Captain Norman, of Waterstone, 336.
— Laird of, 148, 296, 339, 422.
— Lieutenant, 323.
— Clan, 422, 527, 528.
Macmahon, Lieutenant Morgan, 98.
Macmasters, Allan, 239.
Macnab, Captain, 207.
Macmillan, Alexander, Deputy Keeper of the Signet, 363, 369, 430, 431, 432, 433, 434.
— Duncan, 238.
Macneil, Donald, of Colonsay, 224.
— Lachlan, Provost of Campbelltown, 264.
— Captain, 38, 76, 408.
Macoloney, Donald Roy, 347.
— Dougal, 337, 347.
Macpherson, Donald, of Breakachy, 291.
— Donald, of Cluny, 270.
— Ewen, of Cluny, 229, 231, 239, 241, 261, 266, 268, 270, 271, 280, 281, 282, 289, 291, 292, 293, 295, 299, 300, 312, 326, 336, 337, 338, 346, 372, 373, 375, 376, 433, 440, 443, 446, 468, 469, 470, 471, 492, 527, 528.
— Captain, 167.
— Clan, 292, 312, 336, 337, 422, 469.
Macqueen, Rev. —, of Stirling, 380.
Macrievre, Duncan, 70.
Macvicar, Duncan, Collector of Customs at Fort William, 238, 304, 339; letter of, 470.
Macvurych, Lachlan, 70.
Macwarish, John, 394.
Main, Lieutenant, 226.
Maitland, Charles, 104, 358, 536.
Majoribank's regiment in the Dutch service, 323.
Makerston, 201.
Male, Surgeon, 205.
Man, William, 109.
Manning, Lieutenant, 206, 275.
Manwood, John, 496.
Marshall, Robert, Bailie of Perth, 507, 510.
March, William, Earl of, 460, 539.
Martin, Ensign John, 400.
— John, 324.
— Admiral, 393.
— Ensign, 206.
Maryburgh, 400.
Mason, Mr., 63.
Masterton, Francis, of Parkmiln, 320.
— Captain, 95, 119.
Mathewson, Lieutenant, 207.
Matthews, Ensign, 205, 275.
Matty, the, of Glasgow, 100.
Maurice, Rev. —, 206, 276.
Maxwell, Lieutenant, 276.
— Mr., 72.
May, the, of Glasgow, 265, 272, 278 *et seq.*
Mearns, 353.
Medical men with the Jacobite forces, 394, 399.
Mellaneuir, 284.
Menzies, Archibald, of Shian, 319.
— James, of Woodend, 319.
— Captain, 167.
— Mrs., of Culdairs, 338.
Merrie, Lieutenant, 275.
Midleton, George, of Seton, 537.
Midmar Castle, *vide* Grantsfield.
Miller, George, Sheriff-Depute of Perth, 358, 413, 414, 493, 501, 502, 507, 515; letters to, 497, 498, 499, 501, 516.
— G. W., Clerk of Court, Perth, 17, 419, 510.
— Thomas, 536, 538.
— Walter, pro-Fiscal of Perth, 507, 510.
— Captain, 26, 104, 332.
Mingary Castle, 331, 409.
Minto, Lord, *vide* Elliot, Sir Gilbert.
Mirabel, The History of Prince, 44.
Mirabelle de Gordon, M., 72.
Mitchell, Sir Andrew, 536.
— Ensign, 206, 275.
Moffat, 200.

Moidart, 38, 239, 241, 272, 299, 303, 313, 332, 371, 373.
Moir, James, of Stoneywood, 319.
Molloy, Lieutenant, 206, 276.
Monmouthshire, 200.
Monro, Captain George, of Culcairn, 12, 53, 58, 145, 190, 218, 232, 277, 284; letter of, 50; letter to, 52; murder of, 214, 216, 220, 230, 288, 299, 304, 337, 347.
— Sir Henry, 207, 277, 314, 329, 425, 503, 504.
— Ensign Hugh, of Achany, 218.
— John, of Killachonan [?], 218.
— Sir Robert, 2, 4, 215.
— Clan, 299, 330.
Monteith, 178.
Montgomery, James, 536.
— Captain, 275.
— Lieutenant, 275.
Montressor, Lieutenant, 206.
Montrose, William, Duke of, 384.
Montrose, 20, 28, 60, 99, 104, 109, 122, 146, 147, 202, 315, 404, 413, 501; letters from, 19, 103.
Monzie, Lord, 358, 539.
Moody, Hatch, 63, 196 [?]; letter of, 153.
— Captain, 32.
Moore, Lieutenant, 206, 275.
Morar, 11, 12, 37, 51, 371, 401, 408, 410.
Moray, James, Earl of, 541.
Moray, 505.
Mordaunt, Brigadier John, 11, 17, 22, 55, 99, 143, 164, 175, 384, 397; letters of, 16, 43, 65.
Mordington, Lord, *vide* Douglas, Charles.
Morgan, David, 24.
— Captain Hugh, 28, 29, 30, 82, 83, 89, 117, 121, 193; letter of, 197.
— Lieutenant, 206.
Morison, James, Provost of Aberdeen, 32, 41, 57, 77, 105, 117, 123, 133, 134, 185, 195.
Morlaix, 393.
Morris, Lieutenant, 205, 275.
Morven, 228, 229, 303, 331, 332, 372.
Mosman, Major, 107, 206, 276.
Moubray, Mr., 339.
Mowat, William, Bailie of Aberdeen, 32, 41, 57, 77, 117.
Moy, 71.
Muchalls, 548.
Mull, 37, 82, 140, 234, 236, 238, 303, 367.
Murdoch, Ensign, 206, 276.
Murray, Anthony, of Grange, 319.
— Lord George, 184, 244, 245, 246, 258, 336.
— James, 399.
— Lord John, 92, 140.
Murray, John, of Broughton, 13, 228, 338, 363, 373, 391, 392, 406, 423, 424, 433, 441, 442.
— John, of Dunning, examination of, for sedition, 493, 495, 497.
— Mungo, of Kincairney, 319.
— Sir Pal., 167.
— Patrick, of Dullary [?], 365.
— Patrick, 399.
— Sir Richard, 197, 198.
— Robert, 399.
— William, of Taymount, 319.
— Captain, 180.
— Miss, 324.
Musselburgh, 413, 429.

Nairn, 202; letter from, 3.
Nairne, John, Lord, 316.
— Lady Dowager of, depositions against, 244 *et seq.*
Naizon, Colonel Peter, 61, 151, 184; letters of, 115, 177.
Nangis, Chevalier de, 46.
Napier, David, 449, 450, 451.
— Gabriel, 358.
— Colonel, 34.
Newburgh, 202.
Newcastle, Thomas Pelham-Holles, Duke of, 4; letters of, 7, 136, 549; letters to, 1, 2, 4, 8, 10, 11, 14, 68, 97, 154, 214, 220, 227, 235, 242, 262, 267, 269, 278, 284, 286, 294, 298, 299, 301, 315, 321, 325, 328, 329, 341, 344, 347, 348, 352, 353, 354, 356, 363, 366, 368, 374, 377, 381, 382, 385, 389, 392, 395, 397, 398, 400, 401, 404, 410, 411, 414, 415, 421, 423, 426, 427, 430, 431, 432, 434, 436, 438, 439, 446, 447, 449, 451, 452, 453, 460, 462, 466, 468, 471, 492, 505, 507, 515, 518, 524, 526, 528, 529, 542, 543, 550.
Newcastle-upon-Tyne, 145, 179, 381.
Newton, Captain, 199.
Newton, 50.
Nicol, Walter, of Aberdeen, 76, 77, 78, 109, 121, 195.
Nicoll, James, Bailie of Aberdeen, 57, 117, 195.
Nightingall, Ensign, 206.
Noble, Captain, 85.
Nonjuring Meeting-houses and ministers, 463, 474, 498, 507, 515, 516, 517, 518, 519, 520, 521, 522, 523, 529, 530, 531, 546, 547.
Nunton, 39.

Oates, Ensign, 276.

O'Brien, Captain James, 211, 287, 344, 345, 370, 382.
— Captain, 268, 271.
Ocolgan, Rev. —, 470.
Ogilvie, Thomas, of Coul, 13, 48.
Ogilvy, John, titular Earl of Airlie, 65, 397, 400, 470.
— Lady, 71, 321, 324, 330.
— of Pool, 358.
— Ensign, 206, 276.
Ogle, Lieutenant, 205, 275.
Oglethorpe, Major-General, 168, 174.
Old Aberdeen, 28.
Old Deer, 428.
Old Meldrum, 428.
Oliphant of Gask, 256, 316.
— Captain, 275.
Oman, Lieutenant, 195, 205, 275.
O'Neil, Captain Felix, 37, 69, 81, 84, 93, 209, 211, 287, 315, 341, 342, 344, 370, 382, 409; his narrative of Prince Charles's flight after Culloden, 71 *et seq.*
Ord, letter from, 240.
Orkneys, 32, 63, 73.
Ormaclett, 75.
Orr, James, 393.
Orrock, Ensign, 112.
O'Sullivan, Colonel, 73, 75.
Otter, John S., 224.
Ottley, Ensign, 199.
Oughton, Captain, 206, 276.
Ouia, Island, 74.

Paget, Captain, 275.
Parker, Captain Edward, letter of, 360.
Parr, Captain, 144.
Paterson, Sir Hugh, 442.
— James, letter of, 230.
Patton, Robert, 500.
Patullo, Henry, 319.
Paxton, Mr., 301.
Pearson, Alexander, 400.
Peebles, 454, 459.
Pelham, Henry, 1, 4, 9, 357, 358, 460, 480.
Perth, James, (titular) Duke of, 3, 149, 178, 184, 400.
Perth, 11, 17, 65, 97, 119, 154, 184, 202, 244, 250, 256, 260, 296, 336, 384, 394, 397, 404, 413, 426, 440, 465, 493, 495, 498, 507, 511, 515, 516; letters from, 1, 16, 43, 65, 141, 166, 175, 176, 189, 212.
Perthshire, 501.
Peterhead, 60, 108, 166, 202, 267, 268, 269, 273, 465.
Peterson, Colonel, 151.
Petrie, Rev. John, 548.
Philp, John, 217, 218.
"Pickle the Spy," *vide* Macdonell, Alexander.
Pitt, William, Earl of Chatham, 118.
— Cornet, 226.
Plaistow, Lieutenant, 206, 275.
Plunkenet, Ensign, 206, 275.
Pole, Captain, 126, 173.
Pollok, 225.
Polson, John, 539.
Poolewe, 15, 26, 27, 230, 238.
Portree, 55.
Portsoy, 166, 202.
Pourie, William, 513.
— Laird of, 50.
Powell, Captain Cranfield Spencer, 206, 219, 240, 242, 276; letters of, 128, 190.
Prestonpans, battle of, 245, 251, 411.
Price, Brigadier, 369.
— Captain, 275.
— Ensign, 205.
Priestfield, 268, 272.
Primrose, Sir Archibald, of Dunipace, 400.
Prince de Conti, French privateer, 236, 237, 240, 242, 243, 264, 265, 266, 267, 268, 269, 271, 273, 279, 280, 282, 293, 295.
Pringle, Andrew, 539.
— Sir James, 65.
— Sir Robert, of Stitchell [?], 542.
— Robert, Sheriff-Depute of Banff, 536, 541.
— Walter, 542.
— Lieutenant, 205, 276.
Prisoners, Jacobite, 34, 38, 55, 57, 61, 63, 65, 69, 81, 82, 85, 98, 99, 141, 142, 150, 197, 287, 301, 315, 317, 318, 319, 328, 369, 382, 392, 394, 395, 399, 410, 413, 414, 436, 438.
Puttachy, 428.

Queensberry, Charles, Duke of, 95, 538.

Raasa, 76, 407.
Rae, Rev. David, 429.
Raine, John, 98.
Ramsay, Colonel, 119, 176.
Randall, Robert, 399.
Rannoch, 27, 288, 306, 346, 376, 384, 440, 441, 471, 491, 495.
Rattray, Thomas, 248.
Raven, H.M.S., 64, 360, 409.
Regiments, *vide* Army.
Reid, Sir Alexander, 134.
— Mr., 134.
Renton, Captain, 206.
Reynolds, Lieutenant Luke, 382.
Rhodes, Mr., Commissioner of Excise, 161.
Rich, Lieut.-Colonel, 205, 276.

Richardson, John, 501.
Richmond, Charles, Duke of, 106; letters to [?], 3, 6.
Rider, Surgeon, 275.
Ridley, Mr., 381.
Ritchie, George, 445.
— John, of Links, 320.
Roads, construction of, in Scotland, 138, 210.
Roberts, Ensign, 22.
— Lieutenant, 206, 276.
Robertson, Alexander, of Strowan, 320, 337, 384.
— Rev. Alexander, 429.
— Alexander, 244, 247, 258, 259.
— Charles, 245.
— Duncan, of Drumnawhine [?], 246, 252, 254, 319.
— Duncan, 247, 248, 258.
— Emilia, 251, 253.
— George, of Faskally, 319, 337.
— James, of Plairfellie [?], 319.
— James, 217.
— John, Provost of Perth, 250, 495, 507, 510.
— Margaret, 253.
— Thomas (Edinburgh), 394, 399.
— Thomas (Perth), 513.
— Captain William, 496.
— of Woodsheil, 495.
— Ensign, 324.
— Lieutenant, 205.
Robinson, George, 150.
— John, 98.
— Neil, 98.
— Captain, 205, 275.
— Captain, 276.
— Lieutenant, 276.
Rohan, Prince de, 295.
Romer, Captain, 276.
Romers, Captain J., 382.
Roper, Major J., 54, 129, 142, 323, 406; letters to, 15, 22, 27, 59, 61, 62, 96, 123, 132, 143, 186, 191.
Rose, Hugh, of Kilravock, 354, 355, 369, 541.
— Ensign, 323.
Ross, George, Lord, 329.
— David, of Inverchasley, 314.
— Alexander, of Pitcalny, 314.
— David, of Priesthill, 314.
— Duncan, of Kindeace, 314.
— John, 442, 449.
— Robert, of Achindarach [?], 314.
— Simon, of Aldie, 314.
— Thomas, of Calrosy [or Culrossie], 314.
— William, of Balnagoun, 314.
— Captain William, 217.
Ross, Master of, 314.
— Clan, 330.
Rossinish, 73, 75.
Ross-shire, 302, 313, 329, 383, 425.
Rothes, John, Earl of, 494.
Rothiemay, letter from, 156.
Roy, Corporal, 141, 189.
Rufane, Major William, 103, 132; letters of, 62, 96, 179.
Russell, Francis, 442, 444, 449, 450; letter to, 451.
— Colonel, 187, 199.
— Mr., 409.
Ruth's regiment, 296, 475.
Rutherford, Mr., Commissary of Peebles, 459.
Ruthven, 60, 91, 167, 203, 232.

Sackville, Lord George, 2, 4, 25, 166, 276, 340; letters of, 141, 186, 197.
St. Andrews, 119.
St. Clair, Henry, 363.
— Captain James, 474, 475, 478, 479.
— General, 205, 275.
— Rev. —, 226.
St. George, Cornet, 168, 226.
— Lieutenant, 226.
St. Ninians, 119, 385, 438.
Sallachan [?], 331.
Salt, Captain, 205, 276, 341, 501.
Saltoun, letters from, 452, 453, 518.
Sandford, Captain, 206, 276, 341.
Sandilands, Captain, 205, 275.
— Mr., Sheriff-Depute for Lothian, 358.
Sandwich, H.M.S., 361.
Saunders, John, 251.
Savery [?], 332.
Sawers, Anthony, *vide* Sawyer, Anthony.
Sawyer, Anthony, 36 [?], 114, 191.
Scalpay, 73.
Scarborough, H.M.S., 64.
Schivas, 218.
Scots Brigade in Holland, recruiting in Scotland for, 317, 321, 322, 323, 325, 329.
Scott, Captain Carolina, 11, 12, 16, 58, 75, 85, 113, 115, 156, 270, 332, 333; letter of, 25.
— James, of Dunkeld, depositions against, 244 *et seq.*
— Mr., 103.
Scotus, 72; letter from, 243.
Scrymgeour, David, 536, 541.
Selkirk, Dunbar, Earl of, 538.
Selkirk, 453, 459.
Sempill, Hugh, Lord, 21, 104, 108, 117, 119, 123, 165, 188, 193, 214, 325; letters of, 20, 68, 105, 122, 133, 170, 185, 193.

Sempill, Ensign, 20, 205, 275.
Semple, Rev. George, process and sentence against, 507 *et seq.*, 515, 516.
Serpent, H.M.S, 32, 52, 64.
Sharpe, Mr., 355, 430, 431, 435.
Shaw, Sir John, 538.
Shea, Captain, 72.
Sheerness, H.M.S., 148.
Sheridan, Sir Thomas, 271.
— Mr., 271.
Sheriff Courts, proposals for the reform of, 543-46.
Sheriffs and Sheriffs-Depute, 301, 315, 316, 325, 357, 395, 396, 402, 413, 462, 463, 477, 530, 537, 542, 543.
Sheriffs of:—
Aberdeen, 82, 99, 357, 396, 517, 519, 536, 537.
Argyll, 358, 366, 367, 536, 539.
Ayr, 536, 537.
Banff, 474, 536, 537.
Berwick, 536, 537, 542.
Caithness, 536, 537.
Clackmannan, 537.
Cromarty, 536.
Dumbarton, 358, 536, 538.
Dumfries, 536, 538.
Edinburgh, 104, 536, 538.
Elgin, 538.
Fife, 358, 536, 539.
Forfar, 357, 536.
Galloway, 536, 538.
Haddington, 358, 536, 539.
Inverness, 315, 540, 542.
Kincardine, 357, 396, 519, 520, 536.
Kirkcudbright, 536, 538.
Lanark, 536, 539.
Linlithgow, 536, 540.
Lothian, 358.
Nairn, 536.
Orkney, 536.
Peebles, 536, 539.
Perth, 358, 501, 536, 539.
Renfrew, 536, 539.
Roxburgh, 536, 539, 542.
Selkirk, 536, 539.
Stirling, 358, 536, 539.
Sutherland, 539.
Shields, 381.
Shives (or Shevize), Robert, of Muirtown, 356, 435.
Shives, *vide* Schivas.
Shrewsbury, 199.
Siletefoord [?], 502.
Simpson, John, 349; letter of, 351.
— Lieutenant, 206.
Sinclair, George, 539.
— of Muckle, 358.
— of Ulbster, 537.
Sinclair, Dr., 65.
"Sinclair," Prince Charles's incognito, 73.
Skelton, Major-General H., 175, 186, 214, 276; letters of, 141, 166, 176, 189.
Skene, Lieutenant, 205, 275.
Skinner, Rev. —, of Longside, 428.
Skye, 75, 232, 296, 297, 335, 369, 409, 474, 525, 527, 528, 540.
Slocombe, Quartermaster, 205, 275.
Sloper, Captain, 66, 205, 275.
Smith, Commodore George, 12, 14, 15, 46, 51, 52, 69, 81, 94, 140, 156, 236, 237, 269, 295, 297; letters of, 32, 39, 63.
— James, W.S., 400.
— William, 141, 189.
— Ensign, 205, 275.
— Lieutenant, 226.
Snell, Lieutenant, 206, 276, 294.
Somerville, James, Lord, 414.
Spalding, Andrew, of Glenkilrie [?], 320.
— Charles, of Whitefield, 399.
— Daniel, of Ashintully, 320.
— Ensign, 323.
— Mr., 424.
Spey, River, 3.
Spittle, Ensign, 205, 275.
Stair, James, Earl of, 455.
— James, Viscount, 458.
— John, Earl of, 95, 164, 451, 452, 455, 457, 458.
— John, Earl of, 458. *Vide* Dalrymple, Captain John.
— Earldom of, disputed succession to, 455 *et seq.*
Stanhope, Colonel, 192.
Steel, George, 400.
Stenhouse, Ensign, 323.
Stephens, Lieutenant, 205, 276.
Stevenson, Corporal Moses, 496.
Stewart, Alexander, of Innernochyle [?], 320.
— Rev. Alexander, 245, 246.
— Archibald, late Lord Provost of Edinburgh, trial of, 466, 467, 468, 472, 473.
— Charles, of Gourdie, 320.
— Charles, secretary to Murray of Broughton, 363, 369, 431, 432, 433.
— David, of Balorhallan [?], 320.
— David, of Kynachan [?], 320, 337.
— Donald, 247, 256, 257, 258.
— Major James, 400.
— James, 250, 251, 252.
— James, Murray of Broughton's butler, 424, 442.
— Ensign James, 503, 504.
— John, of Findynal [?], 320.

Stewart, John, of Henton [?], junr., 320.
— John, Bailie of Perth, 507, 510.
— Corporal John, 351.
— John, 394.
— John Roy, 230, 282, 305, 335, 367, 368, 373, 495.
— Robert, of Killiechassie, 320.
— Captain Robert, 245, 246, 247.
— Robert, 251.
— William, of Garth, 320.
— William, Bailie of Perth, 507, 510.
— William, 229.
— of Ardshiel, 229, 239, 282, 289, 291, 292, 293, 300, 332, 333, 367, 368, 373, 374, 444, 469, 471.
— of Ballachulish, 333.
— of Fasnakyle, 229.
— of Fasnakyle, junr., 333.
— of Innernahyle [?], junr., 333.
— of Stenton, 509.
— Clan, 292, 312, 337, 338, 484.
Stirling, James, of Craigbarnet, 320, 445.
Stirling, 34, 54, 97, 120, 140, 150, 154, 177, 202, 210, 212, 227, 254, 260, 296, 377, 397, 399, 403, 404, 412, 414, 448, 450, 539; letters from, 33, 119, 149, 158, 181, 191; petition of, 378, 380.
Stirlingshire, 507.
Stone, Andrew, 262, 278, 494; letters to, 234, 417, 437, 438.
— Lieutenant, 206, 275.
Stonehaven, 77, 104, 108, 146, 202, 397, 413, 519, 548; letter from, 520.
Stornoway, 73, 393, 409; letter from, 269.
Stoyt, Lieutenant, 210.
Strachan, Lieutenant, 205, 275.
Strang, Ensign Blackfoord, 82.
Stranraer, 201, 455.
Strathallan, William, Viscount, 256, 316.
Strathayre, 444.
Strathbogie, 97, 144, 169, 218, 311, 371.
Strathbran, 54.
Strathclunie, 11.
Strathearn, 178.
— Club, 465.
Strath Ericht, 91.
Strathglass, 15, 51.
Strathnairn, 425.
Strathnaver, William, Lord, 205, 275.
Strathspey, 91.
Strauvan [?], 177.
Strichen, Lord, 83.
Strontian, 37, 66, 82, 85, 92, 140, 225, 238, 273, 291, 327, 332, 365, 374, 383; letter from, 57.
Stuart, Alexander, 161.
— Captain John, 277.
— Rev. John, 374.
Stuart, Colonel, of Balechan [?], 337.
— Ensign, 158, 159, 181, 182.
— Lieutenant, 150.
— Quartermaster, 58.
Stuart's regiment in the Dutch service, 323.
Studard, Ensign, 275.
Sunart, 332.
Sutherland, William, Earl of, 330, 539; letter to, 343.
— Captain John, 60, 232, 277, 351.
— Clan, 330.
Sutherlandshire, 384.
Swinton, John, 541.
Swinton, 201.
Sydall, Thomas, 24.

Tapperosbone, James, 496.
Tatton, Captain, 206, 276.
Taybridge, 203, 232, 369, 432; letter from, 443.
Taylor, James, W.S., 361.
— Robert, shoemaker, 302, 394, 399.
— Walter, 496.
Tempest, Lieutenant, 226.
Terror, H.M.S., 64.
Thames, Mr., 390.
Thoirs, Gilbert, 400.
— James, 400.
Thomas, Lieutenant, 206, 275.
Thompson, Ensign, 276.
Thomson, Captain, 119.
— John, Supervisor of Excise, 109, 121; letters of, 144, 159.
— John, 218.
— Mr., 195.
Thorne, Captain, 205, 276.
Thornley, Ensign, 275.
Thorpe [? Shorpe, or Sharpe], Sir J. L., 205, 276.
Threipland, Stewart, of Barnhill, 320.
Tilbury Fort, letter from, 352.
Tilson, Rev. —, 205, 275.
Tilt, Bridge of, 258.
Tinwald, Lord, 538, 549, 550.
Tobermory, 37, 46, 239, 240, 303, 331.
Tomnavoulin, 257, 434.
Tompson, Lieutenant, 206, 275.
Tordarroch, 72.
Tovey, Major, 226, 350.
Townley, Francis, 24.
Townshend, Rev. —, 205, 276.
Towry, Commodore, 381.
Traquair, Charles, Earl of, 102.
Traupaud, Lieutenant, 205, 276.
Treinhard, Quartermaster, 276.
Trelawny, Ensign, 126, 164, 173.
Trial of Jacobite prisoners at Carlisle, *vide* Carlisle.
Trial, H.M.S., 52, 64, 360, 443.

Triton, H.M.S., 32, 64, 341.
Trobost [? Carbost], letter from, 237.
Troup, Rev. John, 548.
Tullibardine, William, Marquis of, 247, 248, 249, 251, 252, 253, 255.
Tulloch, David, 147.
Turin, 13.
Turnbull, Robert, letters of, 17, 19, 162.
— Captain, 323.
Turner, Ensign, 206.
— Rev. —, of Stirling, 380.
Tyrawley, James, Lord, 106, 206, 357.

Uishness Point, 75.
Uist, 45, 69, 70, 71, 74, 76, 81, 236, 265, 269, 270, 296, 372, 376, 409.
Urquhart, Lieutenant, 206.
— of Meldrum, 537.

Vane, Mr., 363.
Veitch, James, 536, 539.
Vernon, Admiral, 260.
Vicars, Lieutenant, 275.
Vickars, Captain, 205.
Vincent, Mr., 475.
Vulture, H.M.S., 148.

Wade, Marshall George, 9, 18, 106, 152, 153, 168, 199, 259.
Walker, Andrew, of Aberdeen, 76, 77, 78, 109, 121, 195.
— Rev. —, of Old Meldrum, 428.
Wallace, James, Provost of Stirling, 379.
— Patrick, late Provost of Arbroath, 320.
— William, 539.
Walsh, Lieutenant, 205, 275.
War Office, letters from, 106, 112, 168, 174.
Ward, Captain, 205, 276.
— Ensign, 206.
Warren, Colonel, 236, 240, 268, 271, 279, 280, 295.
Waterson, Thomas, 496.
Watson, Lieut.-Colonel David, 503.
— John, of Turin, 13.
— John, of Muirhouse, 467.
— Colonel, 122, 189, 467.
— Mr., 141.
Watt, John, 500.
Waugh, William, Town Clerk of Selkirk, 453, 459.
Webb, Philip Carteret, 8, 100, 395, 402, 404, 415, 416, 418; letters to, 418, 420.
Webster, Rev. —, 394.
Wedderburn, Sir John, 320.
Weeks, Lieutenant Marks, 520, 521.
Wemyss, Captain James, 397.
Wentworth, Captain, 275.
— Lieut.-General, 354, 369, 371, 383.
— Major, 166, 227, 270.
West, Cornet, 226.
Wheelock, Captain, 476.
Whitefoord, Alan, 113, 115.
— Lieut.-Colonel Charles, 107.
Wilkinson, Colonel J., letter of, 118.
Williams, Captain, 205.
— Lieutenant, 206, 275.
Wills, Lieutenant, 226.
Willson, Captain, 163.
Wilson, Captain Alexander, letter of, 131.
— Corporal Adam, 501.
— Alexander, 189.
— Robert, 509.
— Major, 192.
— Sergeant, 117.
Winde, Lieutenant, 226.
Winder, Rev. —, 206, 276.
Wingate, Rev. James, 429.
Wolfe, Captain James, 276.
Wood, Mark, 509.
— Ensign, 206, 275.
Worth, Lieutenant, 196.
Wright, Lieut.-Colonel James, letter of, 118.
— James, 400.
— Robert, 400.

York, 164.
— Building Company, 217.
Yonge, Sir William, 118.
Young, John, Sheriff-Depute of Kincardine, 519, 546, 547; letter of, 520; letter to, 522.
Yule, Mr., 419.

THE ABERDEEN UNIVERSITY PRESS LIMITED.

FIFTEENTH REPORT BY COUNCIL

1901

THE ABERDEEN UNIVERSITY PRESS LIMITED

The New Spalding Club.

Founded 11th November, 1886.

Patron:

HIS MAJESTY THE KING.

OFFICE-BEARERS FOR 1900-01.

President:

THE EARL OF ABERDEEN, G.C.M.G., LL.D.

Vice-Presidents:

THE DUKE OF RICHMOND AND GORDON, K.G., D.C.L., LL.D.
THE DUKE OF FIFE, K.T.
THE MARQUIS OF HUNTLY, LL.D.
THE EARL OF ERROLL, LL.D.
THE EARL OF STRATHMORE.
THE EARL OF SOUTHESK, K.T., LL.D.
THE EARL OF KINTORE, G.C.M.G., LL.D.
THE EARL OF ROSEBERY, K.G., K.T., LL.D.
THE LORD FORBES.
THE LORD SALTOUN.
THE LORD PROVOST OF ABERDEEN.
SIR JOHN F. CLARK, Bart., of Tillypronie, LL.D.
SIR GEORGE REID, P.R.S.A., LL.D.
*COLONEL JAMES ALLARDYCE of Culquoich, LL.D.
JAMES A. CAMPBELL of Stracathro, M.P., LL.D.
*WILLIAM FERGUSON of Kinmundy, LL.D.
EMERITUS PROFESSOR DAVID MASSON, LL.D.

Ordinary Members of Council:

W. Bruce Bannerman, Croydon.
*John Bulloch, Aberdeen.
Sir Thomas Burnett, Bart., of Leys.
The Right Rev. Bishop Chisholm, D.D., LL.D., Aberdeen.
The Rev. Professor James Cooper, D.D., Glasgow.
*Patrick Cooper, Advocate, Aberdeen.
*William Cramond, LL.D., Cullen.
Peter M. Cran, City Chamberlain, Aberdeen.
The Rev. J. Myers Danson, D.D., Aberdeen.
Professor W. L. Davidson, LL.D., Aberdeen.
William Dunn of Murtle.
John Philip Edmond, Haigh.
James Ferguson, Sheriff of Argyll.
*Alexander Forbes, Aberdeen.
Alexander M. Gordon of Newton.
Henry Wolrige-Gordon of Esslemont.
John A. Henderson, Aberdeen.
Sir William Henderson, LL.D., Aberdeen.
Colonel Thomas Innes of Learney, C.V.O., LL.D.
*Lt.-Colonel William Johnston of Newton Dee, M.D.
J. F. Kellas Johnstone, London.
The Rev. William Forbes Leith, S.J., Selkirk.
*David Littlejohn, Sheriff-Clerk, Aberdeen.
*Peter Duguid-M'Combie of Easter Skene.
*The Rev. John G. Michie, Dinnet.
*Alexander M. Munro, Aberdeen.
Robert S. Rait, Oxford.
Alexander Ramsay, LL.D., Banff.
*Alexander W. Robertson, Aberdeen.
John Forbes Robertson, London.
*The Rev. James Smith, B.D., Aberdeen.
Sir David Stewart of Banchory, LL.D.
*C. Sanford Terry, University of Aberdeen.
*Alexander Walker, LL.D., Aberdeen.
*George Walker, Aberdeen.
Robert Walker, University of Aberdeen.
John Forbes White, LL.D., Dundee.
*John Dove Wilson, LL.D., Aberdeen.
Robert M. Wilson, M.D., Old Deer.

Secretary:

*PETER JOHN ANDERSON, University Library, Aberdeen.

Treasurer:

*FARQUHARSON TAYLOR GARDEN, 18 Golden Square, Aberdeen.

Auditors:

WILLIAM MILNE, C.A., Aberdeen; ANDREW DAVIDSON, C.A., Aberdeen.

** Members of Executive Committee.*

[*Subscription for* 1902, £1 1s., *due* 1*st January.*]

FIFTEENTH REPORT BY THE COUNCIL.

Approved at the Fifteenth Annual General Meeting of the New Spalding Club, held on Tuesday, 31*st December,* 1901, *at* 2.30 *p.m.*

THE Council feel assured that it will give satisfaction to members to learn that the King has graciously acceded to the request of the Council that His Majesty should become Patron of the Club. It is of interest to note that from 1848 until his death the Prince Consort was Patron of the Spalding Club, and that when the Club was resuscitated in 1886 as the New Spalding Club, Her late Majesty was graciously pleased to become its Patroness.

As instructed at the last General Meeting, the Council have combined the functions of the former Editorial and Business Committees, and have entrusted the general management of the Club to an Executive Committee, consisting of nineteen members (three a quorum), presided over by Mr. William Ferguson of Kinmundy, LL.D., who has taken a very warm interest in the well-being of the Club since its foundation, and had hitherto acted as Chairman of the Business Committee.

Since the last General Meeting, held on Wednesday, 26th December, 1900, two volumes have been issued to members:—

I.—THE FAMILY OF BURNETT OF LEYS, with collateral branches. From the MSS. of the late George Burnett, LL.D., Lyon King of Arms. Edited by Colonel James Allardyce, LL.D. (Pp. 367 + xxiii, with twenty-one plates; and Fourteenth Annual Report.) The Council have pleasure in reminding

members of their indebtedness to Sir Thomas Burnett, Bart., for the gift of twenty of the full-page illustrations in this volume; and to Mr. W. Kendall Burnett for the copies of the genealogical tree of the family which he presented to the Club some years ago, and which have been issued in separate form.

II.—THE RECORDS OF INVERCAULD, 1547-1828. Edited by the Rev. John Grant Michie, M.A. (Pp. 523 + xi, with nine plates.)

Two volumes are now at press and will, it is confidently expected, be issued to members during 1902. These are:—

III.—THE RECORDS OF ELGIN. Vol. I. Compiled by William Cramond, LL.D. It is gratifying to be able to announce that Colonel George A. Cooper, Elgin, a member of the Club, has written to express much interest in this forthcoming work, and his desire to contribute a sum of fifty pounds "to enable the illustrations to appear in a worthy and handsome form".

IV.—THE HOUSE OF GORDON. Vol. I. Edited by John Malcolm Bulloch, M.A. The Council of the original Spalding Club projected a History of the Gordons, which was transferred to the programme of the New Spalding Club. But hitherto—apart from Lord Huntly's excellent work on the Records of Aboyne—no serious attempt has been made to treat exhaustively of the family which for hundreds of years has practically dominated the district forming the especial sphere of the Club. It was pointed out to the Council by Mr. Bulloch that though there have been many workers in the field, a great waste of energy has been expended on an attempt to produce a definitive work. "The workers," he wrote, "have

followed one invariable rule: they have started with a particular cadet branch, in which they were interested for family reasons. Fascinated by the subject, they have gone on accumulating material on the environments of their own sept; they have, in short, been dazzled by the chimera of the definitive work. They have died: their papers have been carefully guarded for sentimental reasons by their representatives, or have been thrown away as so much old paper by executors who knew nothing, or cared nothing, about the matter, and the result has been that over and over again all their work has been wasted, and new workers and new enthusiasts have been compelled to go over precisely the same ground." Mr. Bulloch went on to advocate the issue by the Club of monographs dealing with the history of various cadet branches, on the basis of which, in the course of years the definitive work might be written. The Council admitted the force of Mr. Bulloch's reasoning, and requested him to undertake the general editorship of the Gordon monographs. The series will begin with a reproduction of a "Genealogical Account of the Family of Gordon" compiled about 1730, from earlier sources then extant, by James Gordon of Balbithan, and now for the first time printed from a MS. kindly lent by Mrs. Elphinstone Dalrymple of Kinellar Lodge. This fascicle is already printed off. It will be followed by accounts of the Gordons of Abergeldie and the Gordons of Gight by Mr. Bulloch, the Gordons of Coclarachie by the Rev. Stephen Ree, Boharm, and the Gordons of Lesmoir by Captain Douglas Wimberley, Inverness; and by

lists of all Gordon entries in the Services of Heirs for Scotland, in the Poll Book of 1696, in the Albums of the Scottish Universities, in the Records of Parliament, of the Church of Scotland, of the Faculty of Advocates, and of other corporate bodies at home and abroad. Each monograph will be paged separately, but there will also be a continuous pagination to facilitate indexing.

Other works which are approaching completeness in the hands of their respective editors are :—

V.—RECORDS OF THE SHERIFFDOM OF ABERDEEN FROM 1503. Edited by David Littlejohn, Sheriff Clerk. [See 13th Report, p. 4.]

VI.—RECORDS OF THE ABERDEEN FRIARS: RED, BLACK, WHITE AND GREY, 1211-1560. Edited by Francis C. Eeles. [See 14th Report, p. 7.]

VII.—RECORDS OF OLD ABERDEEN. Edited by Alexander M. Munro, Vol. II. [See 12th Report, p. 5.]

VIII.—FOLKLORE OF NORTH-EASTERN SCOTLAND, based on the MS. Collections of the late Rev. Walter Gregor, LL.D. Edited by James E. Crombie, M.A. [See 12th Report, p. 6.]

IX.—RECORDS OF THE SYNOD OF MORAY: With Fasti of Schoolmasters. Edited by the Rev. Stephen Ree, B.D. [See 7th Report, p. 5.]

X.—THE RISE OF NATURAL SCIENCE IN THE NORTH OF SCOTLAND, based on the MS. Collections of the late David Skene, M.D. Edited by Professor J. W. H. Trail, F.R.S. [See 4th Report, p. 6.]

XI.—BIBLIOGRAPHY OF THE SHIRES OF ABERDEEN, BANFF, AND KINCARDINE. Edited by A. W. Robertson and J. F. Kellas Johnstone. [See 10th Report, p. 4; and 12th Report, p. 8.]

XII.—DIARY OF THE SCOTS COLLEGE AT DOUAI. Edited by the Rev. William Forbes Leith, S.J. This was reported as ready for the press some time ago, but as Father Forbes Leith has failed to respond to recent communications, no progress has been made.

The Council reported, last year, that the MS. collections regarding the FAMILY OF FORBES, compiled by the late Mr. William Troup, had at last been placed in the Secretary's hands. These collections comprise a large mass of papers which consist in great measure of references to Forbeses extracted from various printed and MS. sources. They do not include any matter actually ready for the press, but one volume of genealogies is marked a "Scroll MS." to be revised "for a press copy," and to have a preface of "about fifty pages". In the later years of his life Mr. Troup does not seem to have added much to his work, and hence the information contained in recent Record publications has not been utilised. The Council are unable to recommend the printing, as a Club book, of Mr. Troup's MS., in its present state. They are, however, of opinion that the method approved for the House of Gordon might also be adopted for the House of Forbes, and that different branches of the family might (on the basis of Mr. Troup's MS.) be exhaustively treated by different members of the Club possessed of sufficient Record knowledge for the work. A certain measure of uniformity in the method of treatment would be desirable, and it would be essential that all dates and statements of fact be supported by citation of authorities. Colonel Allardyce has kindly consented to receive contributions from any members willing to help, and to compare these with Mr. Troup's MS.

Mr. Sanford Terry, Lecturer on History in the University of Aberdeen, and a member of the Executive Committee of the Club, has reported to the Council that his recent researches in Jacobite bibliography have made him acquainted with several col-

lections of unpublished material relating to the North of Scotland, from which he believes that an interesting volume of JACOBITE LETTERS AND DOCUMENTS might be compiled. The Council readily approve the addition to the Club's programme of such a work, to be edited by Mr. Terry.

Since the last Report was submitted by the Council, fourteen members of the Club have died: Mr. Walter Denham, Glasgow; Rev. W. J. S. Falconer, Dunnet; Mr. Hugh M. Gordon of Abergeldie; Mr. William Gordon, Aberdeen; Mr. William Leslie, London; Mr. David Macdonald, Aberdeen; Mr. Charles Machardy, Aberdeen: Mr. R. Whyte Mackay, Aberdeen; Mr. A. Mackenzie, Paisley; Mr. W. S. Mackenzie, London; Mr. Charles Fraser-Mackintosh, Inverness; Mr. Robert A. Neil, Cambridge; Miss Fanny Anne Pirie, Countesswells; Rev. Robert H. Smith, Rhynie. The places rendered vacant by some of these deaths have, under Rule 9, been filled by representatives of the deceased members, but other vacancies allow the admission of new members. It is interesting to note the accession to the membership of the greater American libraries, such as Harvard University, Yale University, New York State Library, New York Public Library, Boston Public Library, Toronto Public Library, etc.

As new members are usually desirous of securing a full set of the Club's publications, it may be stated that although the earlier issues are entirely out of print, the volumes occasionally come into the market, and the Secretary can usually direct a new member to a source whence they may be obtained.

The Council wish to express their continued obligation to the Society of Advocates for permitting the Annual General Meeting of the Club to be held in the Society's Hall; and to the Curator of the University Library for granting the use of a room for Committee meetings.

WM. FERGUSON, *C.*

ABSTRACT.

Framed from the Annual Accounts of the Club for the period from 19th December, 1900, to 17th December, 1901.

THE CHARGE.

Assets at close of last account,	£1128 11 2	
Subscriptions for year 1901,	452 11 0	
Subscriptions for year 1902,	6 6 0	
Composition for life membership	10 10 0	
Arrears and payments by new members for back volumes,	17 9 6	
Interest,	33 7 5	
Amount of the Charge,		£1648 5 1

THE DISCHARGE.

1901.		I. Miscellaneous Accounts Paid.	
Jan.	2.	Colonel Allardyce: postages, etc.,	£1 1 0
„	5.	Rev. W. Macleod: searches,	0 10 7
„	7.	Miss M. Craig: transcribing,	0 6 9
Feb.	4.	Scottish Record Soc.: subscription,	1 1 0
May	4.	Miss A. L. Robertson: type-writing,	0 17 0
„	22.	Mr. J. Kesson: packing,	0 3 6
„	27.	Aberdeen University Press: printing,	4 18 4
June	11.	Mr. G. Stronach: transcribing,	0 15 0
„		Lyon Office: do.,	0 14 0
July	20.	Mr. G. Stronach: do.,	2 17 6
Sept.	21.	T. & R. Annan & Sons: plates,	13 10 0
		Carry forward,	£26 14 8

	Brought forward,	£26	14	8			
Sept. 21.	Milne & Hutchison: printing,	70	0	9			
Oct. 10.	Rev. W. Macleod: searches,	1	8	9			
,, 18.	Rev. J. Milne: transcribing,	1	10	0			
Dec. 9.	Taylor & Henderson: printing,	36	9	6			
,,	T. & R. Annan & Sons: plates,	38	0	0			
,, 17.	Edmond & Spark: binding, etc.,	83	11	8½			
					£257	15	4½

II. Secretary and Honorary Treasurer.

Secretary's Salary, 1900-1901,		£26	5	0			
Secretary's Postages, 19th Dec., 1900, to date,		6	10	7			
Hon. Treasurer's sundry outlays, including Insurance on paper, etc.,		7	12	6½			
					40	8	1½

III. Assets as at 19th December, 1901.

Loan to Aberdeen School Board,		£350	0	0			
Deposit Receipt with Town and County Bank, Ltd., being Composition received from eight Life Members,		84	0	0			
Six do., with do.,		916	1	7			
					1350	1	7
Amount of the Discharge, equal to the Charge,					£1648	5	1

Note.—The Miscellaneous Disbursements above are allocated as follows:—

I. "Family of Burnett."

[Paper: paid for last year.]

Printing,		£70	0	9			
Illustrations,		8	0	0			
Binding,		25	5	8			
Packing, Carriage, etc.,		12	19	4			
					£116	5	9[1]
	Carry forward,				£116	5	9

[1] Together with whole cost of paper used, £60 15s., and other outlays in former years (see 2nd and 14th *Reports*), £40 15s. Total, £217 15s. 9d. In addition, the cost of twenty full-page plates was defrayed by Sir Thomas Burnett, Bart.

Brought forward,			£116 5 9

II. "RECORDS OF INVERCAULD."

[Paper: paid for last year.]

Printing,	£36 9 6		
Illustrations,	43 10 0		
Binding,	23 17 6		
Packing, Carriage, etc.,	15 17 7		
		119 14 7[1]	

III. "HOUSE OF GORDON."

[Paper: paid for last year.]

Searches and Transcripts,		7 7 3	

IV. SUNDRIES.

[Paper in stock, 62¼ reams: paid for last year.]

Printing and Postage of Reports, Circulars, etc.,	£7 18 11		
Miscellaneous Transcribing, Stationery, etc.,	6 8 10½		
		14 7 9½	
Amount of Miscellaneous Disbursements, as above,			£257 15 4½

[1] Together with whole cost of paper used, £78 15s., and other outlays in former years (see 13th and 14th *Reports*), £53 17s. 6d. Total, £252 7s. 1d.

RULES.

(*As approved 11th November*, 1886, *and amended 16th December*, 1886, *21st December* 1894, *and 29th December*, 1897.)

1. The objects of the New Spalding Club shall be to promote the study of the History, Topography, and Archæology of the North-eastern Counties of Scotland, and to print works illustrative thereof.

2. The Club shall consist of five hundred [*16th Dec.*, 1886] members, subscribers of one guinea annually: each subscription to be paid on or before the first day of January in each year.

3. The general management of the affairs of the Club shall be vested in a Council, consisting of a President, at least ten Vice-Presidents, and not fewer than forty ordinary members, including a Secretary and a Treasurer: all to be chosen yearly at a General Meeting of the Club, to be held at Aberdeen, in the Month of October, or at such other time within each year as may be found convenient. At all Meetings of the Council seven members shall form a quorum.

4. Immediately after the Annual General Meeting the Council shall elect Acting Committees to carry on the work of the Club.

5. The accounts of the Club shall be audited annually, by two Auditors, to be chosen at the Annual Meeting from among the members.

6. The name of any member in arrear with his annual subscription on the first day of October in each year may be removed from the list of members.

7. Vacancies in the membership shall be filled up according to priority of application.

8. Members may, at any time, compound for all future annual subscriptions, by payment of ten guineas over and above the subscription for the current year; and it shall be in the power of the Council to exempt from subscriptions, annual or other, any member who may present to the Club a work, the printing of which, as a Club publication, has been sanctioned by the Council.

9. Every member shall receive one copy of every volume assigned by the Club to the years for which he has paid subscriptions; and the editor of each work shall receive five additional copies of his work. [The heir, executor or representative of a member shall have no claim to volumes issued by the Club after the member's death, unless he be admitted a member of the Club in place of the deceased. *21st Dec.*, 1894.]

10. The number of copies printed in each case shall not exceed five hundred and twenty-five, and no copy of any work printed by the Club shall be offered by it for sale; [but it shall be competent for the Editorial Committee to arrange for extra copies not exceeding twenty-five, additional to the five hundred and twenty-five, of any volume considered appropriate, to be placed at the disposal of the University of Aberdeen, which shall refund to the Club the prime cost of such extra copies, and employ them, outwith the bounds of the United Kingdom, as part of a series of inter-academical publications. *29th Dec.*, 1897.]

11. The Club shall undertake the issue of its books without the intervention of publishers or booksellers.

12. A General Meeting of the Club may be called at any time on presentation to the Secretary of a requisition signed by twenty members; and the above rules may be altered at any General Meeting, provided that the members have received from the Secretary at least fourteen days' notice of the proposed change.

WORKS ISSUED BY THE NEW SPALDING CLUB.

MEMORIALS OF THE FAMILY OF SKENE OF SKENE, FROM THE FAMILY PAPERS, WITH OTHER ILLUSTRATIVE DOCUMENTS. Edited by William Forbes Skene, D.C.L., LL.D., Her Majesty's Historiographer for Scotland. (Pp. 269 + xv., with six full-page plates. First Annual Report.) 1887.

CARTULARIUM ECCLESIAE SANCTI NICHOLAI ABERDONENSIS. Recognovit Jacobus Cooper, S.T.D., in Ecclesia supradicta Presbyter. Tomus prior. (Pp. 278 + xix., with three plates. List of members, 11th November, 1887.) 1888.

Do. do. Tomus alter. (Pp. 496 + lxvi., with twelve plates, eight in colour.) 1892.

LACUNAR BASILICAE SANCTI MACARII ABERDONENSIS: The Heraldic Ceiling of the Cathedral Church of St. Machar, Old Aberdeen. Described in Historical and Armorial Detail by William Duguid Geddes, LL.D., and Peter Duguid. (Pp. 172 + xix., with thirty plates, twenty-four in heraldic colours. Second Annual Report.) 1888.

FASTI ACADEMIAE MARISCALLANAE: Selections from the Records of the Marischal College and University, MDXCIII.-MDCCCLX. Edited by Peter John Anderson, M.A., LL.B. Vol. I. Endowments. (Pp. 577 + xxxi., with five plates.) 1889.

Do. do. Vol. II. Officers, Graduates and Alumni. (Pp. 596 + xxii., with thirteen plates.) 1898.

Do. do. Vol. III. Index to Vol. II. Compiled by James F. Kellas Johnstone. (Pp. 196 + viii., with three plates. Eleventh and Twelfth Annual Reports. List of members, 1894-98.) 1898.

SELECTIONS FROM WODROW'S BIOGRAPHICAL COLLECTIONS: Divines of the North-east of Scotland. Edited by the Reverend Robert Lippe. (Pp. 360 + lxxxv., with two plates. Third Annual Report.) 1890.

THE MISCELLANY OF THE NEW SPALDING CLUB. Vol. I. (Pp. 391 + lxii. Fourth Annual Report. List of members, 12th December, 1890.) 1890.

THE ANNALS OF BANFF. Compiled by William Cramond, LL.D., Schoolmaster of Cullen. Vol. I. (Pp. 385 + xv., with nine plates.) 1891.

Do. do. Vol. II. (Pp. 498 + xi., with eleven plates. Sixth Annual Report.) 1893.

MUSA LATINA ABERDONENSIS: Edited by Sir William Duguid Geddes, LL.D. Arthur Johnston. Vol. I. The Parerga of 1637. (Pp. 318 + xxiv., with six plates. Fifth Annual Report.) 1892.

Do. do. Vol. II. The Epigrammata and remaining secular Poems. (Pp. 308 + lvi., with nine plates. Eighth Annual Report.) 1895.

HAND-LIST OF BIBLIOGRAPHY OF THE SHIRES OF ABERDEEN, BANFF AND KINCARDINE. By Alexander W. Robertson, M.A. (8vo: Pp. 133 + iv.) 1893.

OFFICERS AND GRADUATES OF UNIVERSITY AND KING'S COLLEGE, ABERDEEN, MVD.-MDCCCLX. Edited by Peter John Anderson, M.A., LL.B. (Pp. 399 + xx., with four plates.) 1893.

HECTORIS BOETII MURTHLACENSIUM ET ABERDONENSIUM EPISCOPORUM VITAE. Edited and Translated by James Moir, M.A., LL.D., Co-Rector of Aberdeen Grammar School. (Pp. 210 + xx., with two plates. Seventh Annual Report. List of members, 30th June, 1894.) 1894.

THE RECORDS OF ABOYNE, MCCXXX.-MDCLXXXI. Edited by Charles, 11th Marquis of Huntly, Earl of Aboyne, etc., P.C., LL.D. (Pp. 590 + xliv., with eleven plates.) 1894.

HISTORICAL PAPERS RELATING TO THE JACOBITE PERIOD, 1699-1750. Edited by Colonel James Allardyce, LL.D. Vol. I. (Pp. 338 + l., with eleven plates.) 1895.

Do. do. Vol. II. (Pp. 314 + lii., with twelve plates. Ninth Annua Report.) 1896.

THE RECORDS OF THE MEETING OF THE EXERCISE OF ALFORD, 1662-88. Edited by the Reverend Thomas Bell. (Pp. 439 + xlix. Tenth Annual Report.) 1897.

RECORDS OF OLD ABERDEEN, MCLVII.-MDCCCXCI. Edited by Alexander M. Munro, F.S.A. Scot. Vol. I. (Pp. 390 + xxxvi., with six plates.) 1899.

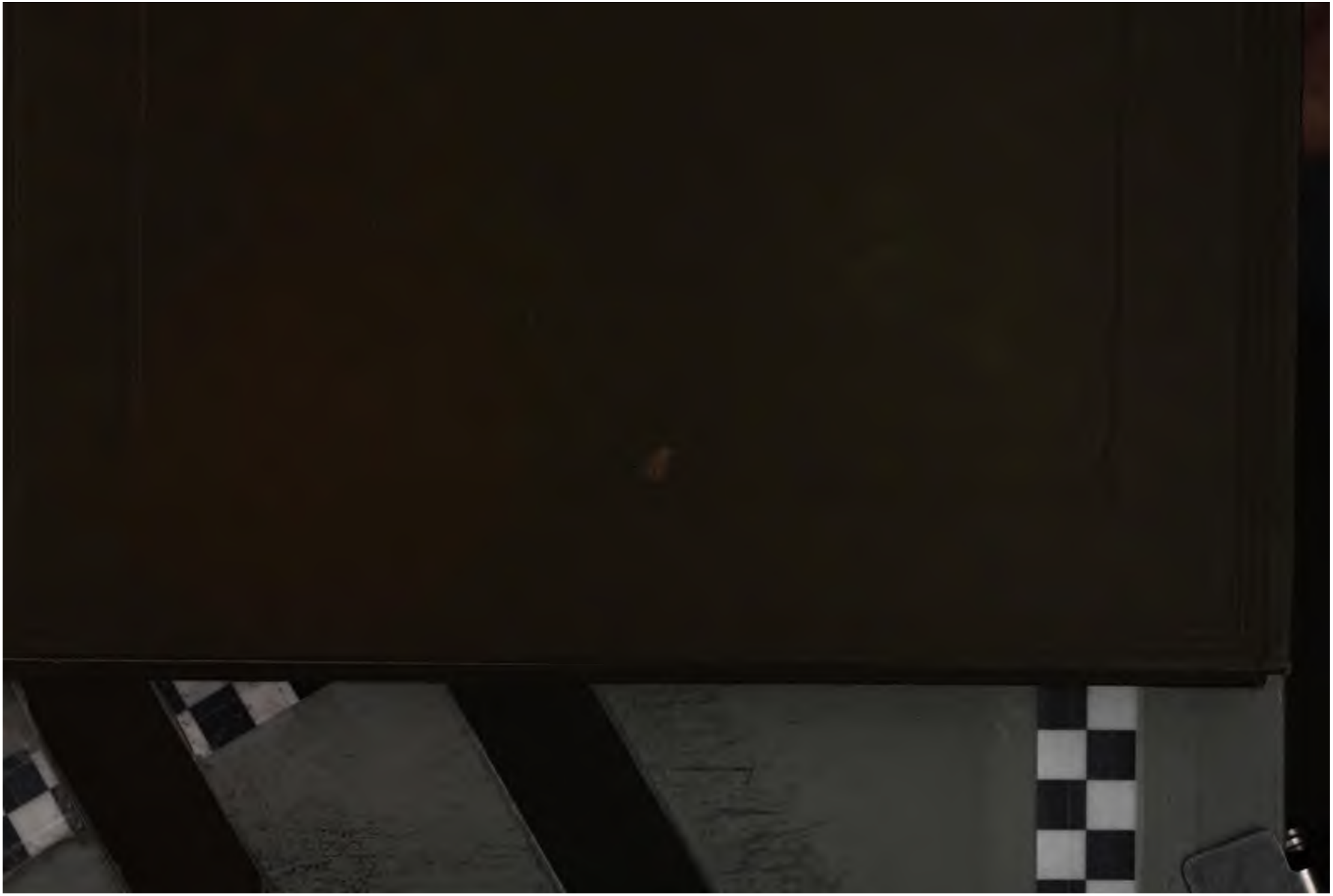
THE PLACE NAMES OF WEST ABERDEENSHIRE. By the late James Macdonald, F.S.A. Scot. (Pp. 347 + xxvii. Thirteenth Annual Report.) 1899.

THE FAMILY OF BURNETT OF LEYS WITH THE COLLATERAL BRANCHES. From the MSS. of the late George Burnett, LL.D., Lyon King of Arms. Edited by Colonel James Allardyce, LL.D. (Pp. 367 + xxiii., with twenty-one plates. Fourteenth Annual Report.) 1901.

THE RECORDS OF INVERCAULD, MDXLVII.-MDCCCXVIII. Edited by the Reverend John Grant Michie, M.A., Minister of Dinnet. (Pp. 523 + xi., with nine plates.) 1901.

THE RECORDS OF ELGIN. Compiled by William Cramond, LL.D., Schoolmaster of Cullen. Vol. I. (*In the Press.*)

THE HOUSE OF GORDON. Edited by John Malcolm Bulloch, M.A. Vol. I. (*In the Press.*)

Stanford University Lil
Stanford, Californi

Return this book on or before d